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REPORT ON THE SITUATION IN EL SALVADOR
WITH RESPECT TO THE SUBJECTS COVERED
IN SECTIONS 728(d) AND (e) OF THE
INTERNATIONAL SECURITY
AND DEVELOPMENT
COOPERATION ACT
OF 1981
AS AMENDED
P.L. 97-113
JULY 20, 1983

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I. EXECUTIVE SUMMARY

El Salvador is in its fourth year under governments committed to building a lasting democratic order. Despite major handicaps, including a long history of military rule, dominance by a small elite, and more recently Communist support for armed guerrillas, a hard-fought democratic process is underway.

Direct presidential elections have been announced for this year, to continue the process begun with last year's election for a Constituent Assembly. The Assembly has become a forum in which competition among political factions occurs in the democratic spirit of compromise and consensus; important legislative decisions have been reached there in such areas as the land reform program and passage of a new amnesty law during a time of intense efforts by extremists of the left and the right to undo this progress. The Assembly recently published the draft of a new constitution which provides for enhanced personal liberties and individual security against government abuse and for a clearer separation of powers and increased judicial review of legislation. The economic and political reforms instituted since 1980 have been strengthened and remain in full force.

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To broaden the developing democratic process, a Peace Commission has been formed with a mandate to bring all factions into the "Salvadoran family" through the electoral process, an amnesty program authored by the Peace Commission has been implemented successfully, and the Peace Commission has made several public appeals to members of the Revolutionary Democratic Front (FDR) and those that have taken up arms against the government to find mutually acceptable ways for them to participate in the democratic process, including this year's presidential elections.

Progress toward ending violence against non-combatants and controlling all elements of the armed forces has been less clear. The Salvadoran Government is intensifying steps to increase respect for human rights and to reduce human rights abuse, especially among the security and armed forces. Nevertheless, bitter civil strife and a virtual breakdown in criminal justice continue to hamper development and implementation of a firm program to identify and punish those responsible for abuses. El Salvador has now begun, with U.S. assistance, a major effort to reform its judicial system, designed to address many of these problems. In the cases of murdered American citizens, there has been uneven progress due in large measure to the long-standing and more recent problems associated with the judicial system.

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II. SUMMARY AND INTRODUCTION

Section 728 of the International Security and Development Cooperation Act of 1981 (Public Law 97-113) establishes a framework for U.S. assistance to El Salvador. This statutory framework is premised on a congressional finding, set out in section 728(a)(1) as follows:

The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American states generally, that the recent civil strife in El Salvador has caused great human suffering and disruption to the economy of that country, and that substantial assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process. Moreover, the Congress recognizes that the efforts of the Government of El Salvador to achieve these goals are affected by the activities of forces beyond its control.

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In order to assure that U.S. assistance to El Salvador remains consistent with the foregoing policies, section 728(d) requires certification to the Congress, at 180-day intervals beginning in January 1982, that the Government of El Salvador --

(1) is making a concerted and significant effort to comply with internationally recognized human rights;

(2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to:

(A) A renouncement of further military or paramilitary activity; and

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(B) The electoral process with internationally recognized observers.

The July 1983 amendment to section 728(e) of the Act requires a determination in the fourth certification that the Government of El Salvador:

(1) has made good faith efforts both to investigate the murders of the seven United States citizens in El Salvador in December 1980 and in January 1981, and to bring to justice all those responsible for those murders, and

(2) has taken all reasonable steps to investigate the killing of Michael Kline in El Salvador in October 1982.

We have included the disappearance of Patricia Cuellar and the murder of LCDR Albert A. Shaufelberger because their cases are of concern both to the Executive Branch and the Congress.

The Government of El Salvador is committed to goals fully compatible with the criteria specified in section 728 of the International Security and Development Cooperation Act of 1981. Despite great obstacles, many still beyond its immediate control, the Government of El Salvador is taking steps which address each of the certification criteria.

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The Salvadoran Government is taking steps to reduce abuses of human rights by its security forces. It has strengthened institutions, repeatedly and forcefully emphasized the importance of human rights at all levels, and generally followed a democratic, reformist policy. This strategy has produced the significant decline in abuses evident since the certification process was initiated in January 1982, although there has been a slight increase in press reports of civilian deaths attributable to political violence in the past six months.

The Salvadoran Government has failed, however, to accompany this positive effort with a clear program to identify and punish those responsible for abuses that still take place. As a result, those elements of the society which operate outside the legal and stated policy restrictions of the government, including some members of the security forces, generally act without fear of official reprisal.

In recent months, however, the Salvadoran Government has begun reform of its judicial system. This long-term program will seek to upgrade the capacity and independence of the system at the investigatory, prosecutorial, and judicial levels. Passage of a new constitution, expected within the next few months, will be a key step. Revision of Decree 507, the state of seige law, is also expected soon. The U.S. Government will assist reforms in the legal system with financial support, technical assistance and training, both directly and in cooperation with regional institutions.

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This effort will take time. Years of neglect and disrespect for the legal system in El Salvador, aggravated by the cruelty of the present civil conflict, make the task a difficult one. But El Salvador already has achieved significant progress in reforming other basic political and economic institutions under the severely adverse circumstances of the past three years.

President Magana, himself a lawyer, is personally committed to this effort. In a report on the record of his administration since its formation 14 months ago, President Magana stated:

Regarding human rights, in the Apaneca Pact we committed ourselves to respect them fully. This is a determination that stems from our fundamental moral convictions and the respect we have for ourselves. As an affirmation of this purpose, on December 2 of last year the Commission for Human Rights was installed. This Commission has promoted the enactment of the amnesty law. In the same way, we are determined to reform our judicial system. To that end, a commission of Salvadoran lawyers has concluded a report recommending the guidelines for the reforms. In addition, the draft constitution establishes the independence of the judiciary and of the Office of the Attorney General with authority and powers for a better public administration.

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Political violence against civilians and disappearance of civilians remain key problems. Press reports of civilian deaths indicate that such violence is far below the levels of 1981 or 1982, but rose somewhat in comparison to the preceding six months. Press reports of civilian disappearances have stabilized at the relatively lower but still unacceptable level noted in the last certification. Both trends are generally confirmed by the information of Salvadoran organizations which monitor human rights.

Success in achieving control over the armed forces has not been realized, despite government efforts towards that goal. Efforts to increase discipline and professionalism especially in the treatment of non-combatants were complicated by the aftermath of the January 1983 Cabanas mutiny, reassignment of several high-level military officers, and escalation of the civil conflict on both sides. The role President Magana as commander-in-chief played in helping to quell the Cabanas mutiny was positive, and the new minister of defense has issued extensive oral and written instructions on armed forces behavior toward civilians. Specific instruction on human rights is incorporated in U.S. military training and is provided by the Salvadoran Human Rights Commission. These educational efforts, combined with the armed forces' own instructional programs and the experience in civic action projects which demonstrate the benefits of cooperation with the civilian population, will contribute to increased sensitivity within the armed forces and improved respect for human rights.

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The most serious failure by the Salvadoran Government to control the security forces has been lack of a clear response to past abuses at La Florida and Santa Elena in late 1982, and most recently at Las Hojas in February 1983. The initiative of the new official Human Rights Commission in pursuing an investigation of the incident at Las Hojas and delivering its findings to President Magana is a positive step. Further investigation is under way, and the government has appointed special prosecutors to handle the case. But, as yet, concrete disciplinary measures have not been taken.

The major economic reforms of 1980 -- redistribution of farmland, nationalization of the banking system, and government control of coffee and sugar marketing -- are progressing. Under Phase III of the land reform, the "Land to the Tiller" program, the high efficiency rate noted in the last certification in awarding land to new claimants has accelerated and protection from illegal eviction has been improved.

Progress made in the development of democratic institutions is evidenced by the completion of the draft constitution, the preparations for direct presidential elections before the end of the year, repeated invitations to guerrilla-associated parties to participate in the elections, increased activity by political parties and labor unions, improved civilian control over the regular armed forces, and the continued functioning of

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the Government of National Unity which emerged from the March 1982 elections and the Pact of Apaneca, signed by major party leaders in August 1982. The Constituent Assembly has become a forum in which competition among political factions is conducted in a democratic manner. It also functions effectively as a national legislature. For instance, it extended Phase III of the agrarian reform, enacted the amnesty law, and adopted tax measures in a self-help effort to strengthen the economy.

To broaden and add momentum to the developing democratic process in El Salvador, the government has taken concrete steps towards reintegration into the political process of dissident elements, including violent factions of the far left. These steps have included formation of a Peace Commission with a mandate to bring all sectors into the electoral process, implementation of an amnesty program authored by the Peace Commission, and authorization by the nation's multi-party Political Commission for the Peace Commission to meet with members of the Revolutionary Democratic Front (FDR) to find mutually acceptable ways for them to participate in the democratic process, including specifically the presidential elections due to be held before the end of the year. The Peace Commission itself has repeatedly issued a blanket invitation to all dissident political factions to enter into these discussions. This invitation has been repeated by President Magana, most recently in his July 1 State of the Nation address.

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The Salvadoran Government is making good faith efforts in bringing to justice those responsible for the deaths of U.S. citizens. Progress continues, albeit slowly, in the prosecution of security force personnel accused of murdering four U.S. citizen churchwomen in December 1980. The Salvadoran Government has informed us that the case is ready to be elevated to trial. There has been no progress in the case against Lt. Lopez Sibrian for involvement in the murder of two American labor consultants in January 1981, but the case against two accused National Guardsmen has been raised to the trial stage. In the case of John Sullivan, who disappeared in December 1980 and whose body was not recovered until more than eighteen months later, positive identification and medical evidence gathered by U.S. forensic experts with the cooperation of the Government of El Salvador will assist the investigation in El Salvador. Three members of the Salvadoran army are under detention for the murder of Michael Kline, and the case is before the courts. There has been no progress in locating missing U.S. citizen Patricia Cuellar or in resolving her disappearance. The Salvadoran government is pursuing all leads in the terrorist murder of LCDR Albert A. Schaufelberger.

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III. SPECIFIC ELEMENTS OF CERTIFICATION

A. Human Rights

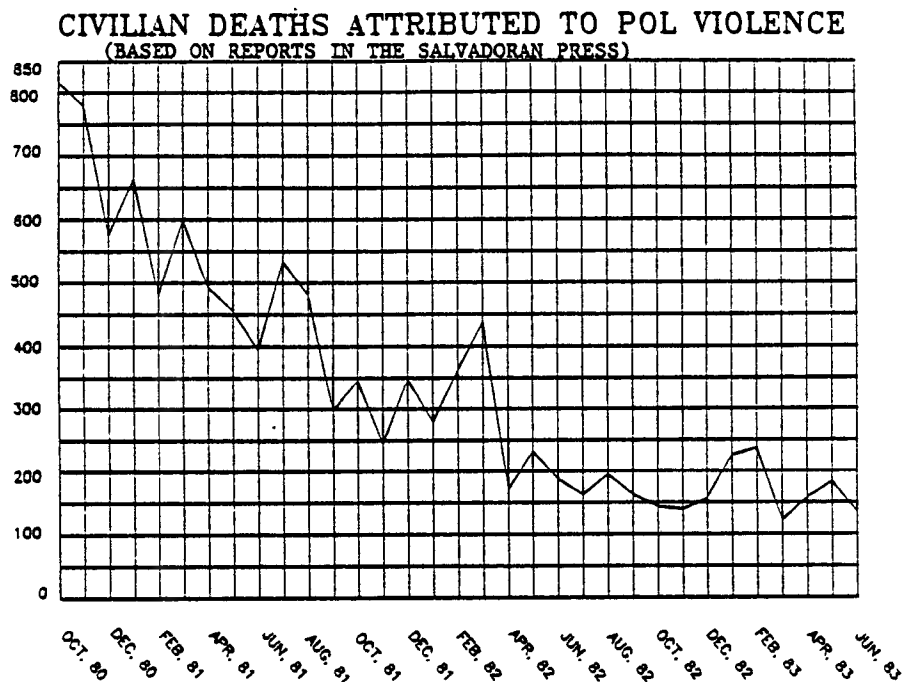
Violations of human rights, including most importantly the right to life, continued to occur during the past six months. Armed rightist terrorists, including some members of the government's security forces, bear responsibility for many deaths attributable to political violence. The guerrillas also bear responsibility for numerous violations (as witness their execution of 18 unarmed soldiers and civil defense members on May 8, 1983, and 27 unarmed soldiers on May 25, 1983, in both cases after they had surrendered).

The number of press-reported civilian deaths attributed to political violence rose since the last certification. The average rose from 160 per month during the last six months of 1982 to 177 per month during the first six months of 1983. This compares to over 300 per month in late 1981 and early 1982. Private Salvadoran human rights groups agree that the level of violence has continued to decline from earlier levels although their figures are consistently higher than those compiled from press reports. (See appendices A.1 and 2 for statistics on violence and discussion of methodology.)

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Civilian disappearances reported in the press during the first half of 1983 continued at about the same rate as during the last six months of 1982, about 39 per month. Elements of the government security forces are believed to have been involved in or responsible for many of these disappearances. In some cases, the individuals were later found to be in government custody; in other cases, rightist and leftist terrorist groups are believed to have been responsible. (See Appendix A.3.)

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The most prominent recent disappearance case involved two Lutheran church officials, Rev. Medardo Gomez and Dr. Angel Ibarra, who were detained on April 27 and held for 36 hours before being remanded to National Police headquarters. Rev. Gomez was released unharmed. Dr. Ibarra was reportedly tortured before being remanded to Mariona prison and charged with assisting the guerrillas. An American physician chosen by the Mennonite Central Committee examined him on May 6 and determined that, although Dr. Ibarra suffers from a congenital bone disorder, he was not in need of immediate medical assistance. Dr. Ibarra remains under detention and is in satisfactory condition.

The level of violence against non-combatants and the Government of El Salvador's failure to identify and prosecute those responsible, including the perpetrators of two cases of mass abuse from fall 1982 at Santa Elena and La Florida, and most recently at the Las Hojas farm cooperative in February 1983 demonstrate a need for continuing efforts to achieve compliance with internationally recognized human rights standards and for implementation of a sweeping judicial reform.

In its 1982 human rights report on El Salvador, the Department of State observed that some elements of the security forces use psychological and physical coercion, including

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torture, to extract information from suspected guerrillas or their supporters. Conditions at Mariona and Ilopango prisons, where Decree 507 prisoners serve their detention, are good. Regular visits to these facilities by Embassy and Department of State officials as well as by representatives of private human rights organizations and members of Congress confirm that both facilities are clean and well-administered, as measured by commonly accepted prison standards in the U.S. and elsewhere. There have been no allegations from prisoners that they have been subject to inhumane treatment once confined at these facilities. In contrast, prisoners now at these prisons claim that when captured they were taken to clandestine detention facilities or police barracks and subjected to electric shocks and beatings in an effort to coerce confessions or extract information.

The Human Rights Commission established by the Government began operating officially on January 3, 1983. As of June 27 the Commission had received 540 inquiries or complaints. The Commission has no way to obtain information on disappearances carried out by terrorist groups of either the right or the left. But in 92 of these cases the subject of the inquiry was located in the custody of government authorities and was either released or placed in prison.

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The Commission has established regular lines of communication with the military and the security forces and initiates investigations within 24 hours after receipt of an inquiry. Commission President Monsignor Delgado gives frequent lectures on human rights to military and security force units and to the public. The Commission played an important part in denouncing and then investigating the massacre of 18 farmers at the Las Hojas Cooperative in February, and the Commission has sent a copy of their investigation report to President Magana.

The Commission is currently hiring additional staff and investigators to work in the field and opening regional offices in Santa Ana, San Miguel, and San Vicente. This expansion should enhance the Commission's impact. The number of requests for assistance has risen recently in response to a radio and publicity campaign that has created increased public awareness of the Commission's activities.

Even Constituent Assembly deputies are not immune from political violence. Mauricio Mazier, a Christian Democratic delegate who made a speech on May 4 attacking rightwing terrorist groups and the "many abuses of the uniformed services" was threatened by name by a group calling itself the Secret Anti-Communist Army in a "communique" attached to the body of a supposed-guerrilla found in Sal Salvador on May 6.

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On June 28, Rene Barrios Amaya, former labor leader and deputy from the ARENA party, was murdered. The Popular Liberation Forces (FPL), a far left guerrilla faction, claimed responsibility the next day. Although a conservative, Barrios Amaya at the time of his death was a leading advocate of liberalized labor provisions in the new constitution.

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Judicial Reform

The Government of El Salvador faces severe constraints in prosecuting crimes, because the Salvadoran legal system is in a state of virtual collapse. Convictions in serious criminal cases, in particular those with political overtones of any kind, are virtually unobtainable because of intimidation (usually only implicit) and corruption of judges, lawyers, witnesses and jurors.

El Salvador's codes of criminal law and procedure date from 1972-74 and are comparatively modern, although rules of evidence remain inflexible and outmoded. The fundamental problem, however, is historical and institutional: a fundamental lack of faith in legal institutions and chronic lack of attention to the resource and other needs of the legal system. This has been aggravated by the hatreds exacerbated by the present civil conflict, by the willingness of both sides to resolve disputes by extra-legal means, and by the general climate of violence in El Salvador. In addition, budgetary constraints imposed by the war effort have further reduced the judicial system's effectiveness.

The judicial career in El Salvador, except Supreme Court service, is not prestigious. The court system's small budget

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allows only part-time operation and forces judges to practice law outside, giving rise to conflicts of interest. The legal system is plagued by the unavailability of basic legal materials and lack of training.

The Fiscal, or Attorney General, lacks budgetary and personnel resources to discharge his duties effectively. Like the courts, the Fiscalia works half-days at low salaries. There are only 30 lawyers on the staff; most of the work is done by approximately 60 law students.

El Salvador has little capacity to conduct sophisticated criminal investigations. The incapacity of police to prepare a cogent case, the Fiscalia to prosecute it effectively, and the courts to remedy investigative defects or produce convictions have contributed to the adoption of extra-legal means of action by elements of the security forces and others.

The dysfunction of the system is demonstrated most acutely in politically sensitive cases, including abuses of authority by members of the security forces, the murders of U.S. citizens, and cases falling under Decree 507. Few cases in the past three years have resulted in a trial, conviction, and sentencing. Even in less politically sensitive cases of murder and other felonies, the rate of conviction is only approximately 10-20 percent.

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President Magana, himself a lawyer, is strongly committed to legal reforms, as reflected in his State of the Nation speech. He has appointed and shown personal interest in a Judicial Reform Study Commission composed of the Attorney General, the Minister of Justice, the Chief of the Justice Department of the Armed Forces and representatives of the Supreme Court and the Constituent Assembly legislative and constitutional committees. This group has submitted a revision of Decree 507 to the President and is preparing a program of legal reform projects to be conducted by a new, expanded commission which would include members of the private bar and the law faculties.

Several substantive and procedural initiatives to improve the administration of justice are now under way:

-- Revisions are contemplated for Decree 507 to spell out in detail the sequence of events following an arrest for crimes subject to military jurisdiction in a state of emergency such as treason, espionage, membership in a subversive organization, and sedition. The purpose is to eliminate prolonged detention and afford a greater measure of due process.

-- A new constitution. This key step is discussed in Section D.4.

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-- Measures to provide physical protection to participants in the legal process, particularly in sensitive cases.

-- Improved investigative and forensic capabilities, possibly including the creation of a new criminal investigations institute.

The United States Government has conveyed to the Government of El Salvador its interest and willingness to help. In his April 14-16 visit to El Salvador, Attorney General Smith stressed the importance of legal reform to U.S. policy. In April an inter-agency team was sent to El Salvador, as well as Honduras and Costa Rica in order to provide greater insights into problems affecting the administration of justice and to review possible assistance projects. Senator Arlen Specter visited in May, underlining congressional interest in broad reform issues as well as concern about the slow progress in the cases concerning the murder of U.S. citizens and other sensitive cases. During a week-long visit in early June, Deputy Assistant Secretary for Inter-American Affairs James Michel met twice with the Salvadoran Judicial Reform Study Commission.

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In Washington, an inter-agency working group is developing bilateral and complementary regional assistance projects to follow up on our support for legal reform. We are developing projects to assist in the training and management of the Attorney General's office and the court system. Other projects would assist legal education and the availability of legal information. As details of possible program projects are developed, funding needs will be assessed as will U.S. statutory limitations, notably section 660 of the Foreign Assistance Act of 1981, as amended, precluding foreign assistance to "law enforcement forces."

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B. Control of the Armed Forces

The Salvadoran armed forces must provide security for the people and the economic infrastructure of the country against guerrilla attacks. To accomplish this two-pronged mission, the regular armed forces have grown from 9,000 in 1979 to 24,000 at present. Additionally, there are approximately 9,000 persons in the security forces. This necessary and rapid expansion has taxed the armed forces' already weak command and control system.

The January 1983 certification reported that the government had just resolved the crisis caused by the rebellion of the garrison commander in Cabanas Department. The general order precipitating the rebellion was modified by presidential authority. Although signed by the Defense Minister, the change was announced by the President and accepted by both the military and civilian sectors of the country. These events served to strengthen civilian control of the military institution. However, the mutiny itself and the subsequent high level transfers temporarily disrupted the armed forces' effort to achieve control over its various elements.

The guerrillas began an offensive starting last October which continued through January. Inhibiting the armed forces' ability to counter the offensive was concern over the continued

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level of U.S. military assistance, which at that point was only one-third the level of that received the previous year. Except for a major operation in war-torn Morazan Department during January, the armed forces tended to husband on-hand supplies which they feared would not be replaced, allowing the initiative to fall to the guerrillas. The capstone of the guerrilla offensive was the sacking of the city of Berlin on January 29, designed to coincide with congressional debate on the last certification.

Increased civil-military cooperation is evident in the government's National Combined Campaign Plan, which initially will concentrate on the agriculturally important departments of San Vicente and Usulután. Violence is not endemic to all regions of El Salvador, and the Campaign Plan is focussed on two departments where guerrilla activity is widespread. The plan has two phases -- first, to clear the guerrillas from the operational area and establish popularly-based civil defense units to prevent the guerrillas from returning after regular army units leave; second, and more importantly, to institute civic action projects that address the endemic social, political, and economic problems which are both exacerbated and exploited by the guerrillas. This second phase is under the overall control of the National Commission of Reconstruction (CONARA) of the Ministry of Planning.

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CONARA is charged with coordinating the civilian aspects of the plan, including implementation of labor-intensive public works, restoration of basic services, and expanding the agrarian reform, which has been least successful in areas of high guerrilla activity. In the current San Vincente campaign, CONARA has administered the distribution of 86,000 pounds of food to over 10,000 people. Twenty schools have been reopened by the Ministry of Education. Eight road projects are under way, and two city halls destroyed by the guerrillas are being rebuilt. The Ministry of Health has vaccinated 1200 people and refurbished seven health centers and opened one new one.

In May shortly after assuming his post of defense minister, Brigadier General Carlos Eugenio Vides Casanova circulated "Human Rights Standard Operating Procedures" to all commanders. The 31-page document covers such subjects as the prudent use of force, respect for the civilian population and property, correct treatment of prisoners, investigations of human rights violations, and cooperation with the International Committee of the Red Cross. (See Appendix B.1 for synopsis.) In the cover letter to this document the new Minister said that "soldiers are not just to protect, but to promote human rights." He added that only by "changing and improving attitudes" will the armed forces help itself in the "struggle against Marxist-Leninist aggression." He emphasized that violations of human rights will be investigated and that violators will be punished. He has emphasized the importance he places on this document in visits to various headquarters and units.

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In addition to the printed guidelines, in all operations the high command now routinely includes orders on how the unit is to conduct itself with the civilian population and the procedures for handling captured guerrillas and defectors.

The armed forces, in general, are becoming more sensitive to the treatment of both civilians and prisoners. Several departmental commanders, most notably those of the three immediate reaction battalions which carry the bulk of the fighting, have initiated civic action programs intended to generate or solidify civilian support for their forces. The immediate reaction battalions, for example, regularly provide limited medical care to the rural population wherever they operate, and also endeavor to publicize their civic action efforts with the domestic and international press. The Atlacatl Battalion has significantly improved its relationship with the civilian population while operating in Morazan Department over the past two months.

In the past the army has been severely constrained in its efforts to exert control and discipline by a lack of junior officers at the company and platoon level, a direct result of its rapid expansion. The Salvadoran Military Academy previously graduated about 15-20 new lieutenants per year, a sufficient number for a small military that was not confronting

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a sophisticated, well-supported guerrilla movement. To address this shortage, the U.S. trained, at Salvadoran request, approximately 500 officer candidates in the U.S. in 1982. These cadet officers have acquitted themselves extremely well since returning to El Salvador. The shortage continues, however, and an additional 487 cadets now are attending similar courses at Ft. Benning.

This program of instruction, although similar to officer candidate training for U.S. personnel, is specifically geared to conditions in El Salvador. Formal lectures in human rights and the importance of gaining the support of the people are reinforced by practical exercises. In simulated field exercises, Spanish-speaking personnel role play as Salvadoran peasants, and the cadets are required to react to changing situations designed to test and increase their sensitivity to proper treatment of non-combatants and captured guerrillas.

A basic tenet of all U.S. military instruction to Salvadoran units and individuals is that a counterinsurgency can be successfully conducted when government forces are able to deny the guerrillas the support of population. An integral part of this training is that respect for individual human rights is essential in gaining the willing support of the people.

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Only about 10 percent of presently active armed forces personnel have received U.S. training. This problem is aggravated by the attrition of those who have been trained. The introduction of a higher pay scale for reenlistees is helping to address this problem. Since the program was initiated on March 1, over 2000 soldiers have reenlisted. The Regional Military Training Center (RMTC) recently established by Honduras will also help. The RMTC will initially permit the U.S. to train a fourth 1200-man quick reaction battalion and four 350-man cazador ("hunter") battalions. After completing training, these troops will return to El Salvador to provide security during this year's presidential elections. Through formal instruction and field exercises the training program will emphasize that respect for the rights of non-combatants is necessary for defeating the guerrillas. This U.S. training is a vital component of effective promotion of the objectives of the certification process.

Although the High Command is mindful of the need to curtail excesses by its troops, abuses occurred during the last six months. There are also credible reports of the involvement of some members of the security forces in right wing paramilitary activity.

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The most serious incident was at the Las Hojas farm cooperative, Sonsonate Department, where 18 farmers were slain on February 22, apparently by elements of a Salvadoran unit. In concert with the official Human Rights Commission, the High Command initiated an investigation. The case is now before a civilian judge, who is reviewing the evidence before determining whether to raise the case to trial or "plenario." The Government has appointed special prosecutors to handle the case. Although the commander of the unit involved was initially placed under house arrest, he has recently been released.

The Salvadoran Ministry of Defense reports that since the beginning of the year, six officers and 139 enlisted men in the armed forces have been disciplined for abuse of authority and for a variety of infractions and crimes. In all cases involving common crimes, the accused were discharged from the armed forces and turned over to civilian courts for prosecution. The military does not follow these cases once they are out of their jurisdiction. The accused are tried in local courts, and there is no centralized record of their disposition.

Because of the difficulty in obtaining statistics, an Embassy officer visited a particular San Miguel Department twice since December 1982 in order to obtain data on security

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and armed forces personnel who have been disciplined in civilian courts. The results provide some rough idea of disciplinary actions in other departments as well. During the initial visit in December 1982, the officer obtained information on 17 cases involving civil defense, military and police personnel who had been charged with serious offenses ranging from theft to murder during the previous six months. While most cases were still being processed at the time, five cases had ended in convictions for the crimes of assault, theft, rape, and murder. By May of this year an additional three of the 17 defendants had been convicted of assault and murder. Nine new cases had been brought against army or national police personnel for charges ranging from assault to rape to murder. All these cases were either still under investigation or in the trial stage except for one case under appeal. None of these cases, however, involved crimes committed for political reasons.

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C. Economic and Political Reforms

In his July 1 report to the Constituent Assembly on the progress of his administration during its first fourteen months in office, President Magana stated:

The reforms must not be evaluated only in terms of economic efficiency alone, but also in terms of social participation which, by decreasing the seriousness of the (social) conflict, will avoid the tensions exploited to create a climate of violence.

1. Agrarian Reform

El Salvador's agrarian reform -- one of the most comprehensive ever attempted in Latin America -- remains on track and is moving forward. The titling process has accelerated, and protection against illegal evictions has been increased. Agricultural production is being maintained; training, extension, and credit services are being furnished to new owner-operators; and the government is making determined efforts to deal with the problems affecting the program and its implementation.

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Lack of access to land coupled with high population density have been major sources of unrest in El Salvador for the past several decades. Ownership of land was highly skewed. Before the country's agrarian reform program began in 1980, 40 percent of all farmland was held by only 0.2 percent of the population.

Over the past three years, much has been accomplished through agrarian reform despite efforts of extremists on both the left and the right to obstruct the program. Under the program's two active phases, landless farm laborers and tenant farmers are purchasing the land they tilled through government-backed mortgages, with payment being made to former owners by the Salvadoran government. More than 20 percent of the country's farmland has now been redistributed. As of the end of June 1983, some 83,183 farmers had received land through the agrarian reform program. Including their families, more than 500,000 people (some 18 percent of the rural population) are now benefitting from the reform. (See Appendix IV.A for statistics relating to the agrarian reform.)

The agrarian reform program is divided into three phases, two of which are active. Under Phase I, cumulative holdings of 1,235 acres or larger (500 hectares) and some smaller properties voluntarily offered for sale have been taken by the government and turned into cooperatives of former workers and tenants. About 15 percent of the country's farmland has been

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affected by Phase I. Some 317 cooperatives have been formed, and most are beginning their fourth year of operation. These cooperatives have 32,317 members, or about 194,000 people when family members are included. However, 42 cooperatives located in areas with strong guerrilla concentrations no longer function or operate only sporadically. As part of the current combined campaign in San Vicente and Usulután, 29 of these cooperatives will be reactivated.

Productivity, measured in terms of yield, on Phase I agrarian reform cooperatives is comparable or superior in the case of some commodities to that of properties unaffected by the reform. Current production estimates indicate that Phase I cooperatives are approaching levels comparable to average recorded yields for the five-year period prior to the reform's initiation. Estimates of the harvest just completed indicate that the Phase I cooperatives, with 15 percent of the country's farmland, accounted for 28 percent of export crops and six percent of the basic grains produced.

There can be little doubt that the credit and technical assistance extended to Phase I cooperatives on a priority basis have enabled them to maintain area planted, total production, and yields, under difficult growing conditions. Despite the serious financial constraints, the Salvadoran Government

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budgeted 118 million colones (\$47.2 million) for its agricultural research, training, and extension program during FY-1983, of which the cooperatives and Phase III farms have been primary beneficiaries. Production and investment credit for agrarian reform beneficiaries has also been a priority for the Government.

Since the last certification, the Salvadoran government agency responsible for the implementation of Phase I has inaugurated a program to strengthen the managerial capacity of the agrarian reform cooperatives. To date 14 cooperatives have benefitted. The program is bringing managers and accountants to the cooperatives to explain the technical support services available, describe the continued role of the government as it relates to the cooperative, and discuss the procedures for the managerial accounting system. By the end of 1984, the goal is to select, orient, and place managers and accountants hired by the cooperatives on approximately 280 cooperatives, and to install uniform management and accounting systems on all 342 cooperatives by the end of 1984.

Under the decree establishing the agrarian reform, definitive title for Phase I and Phase III properties cannot be issued until final compensation is paid to former owners. Funding for compensation would be a problem under the best of circumstances. In a country where real GDP has declined 25

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percent in three years, due in large part to the economic sabotage of the guerrillas, compensation payments are an especially heavy burden and have been delayed. Also, payments have not yet begun on some properties where there is dispute over compensation issues. assistance Under section 620(g) of the Foreign Assistance Act of 1961, as amended, U.S. cannot be used for the purpose of compensation.

The government recently substantially improved the payment rate to former owners of Phase I land. Payment was in the form of long-term interest bearing bonds for land, and a mix of cash and short-term bonds for livestock, machinery, and equipment. In the past six months, payments to 13 former owners totalled \$518,306 in cash and \$14,712,680 in bonds. The government also took steps to make the bonds a more attractive instrument of payment. All interest payments on bonds have been brought up to date. For most bond holders, these payments were the first they had received and were up to three years overdue. Interest coupons can be used to pay some taxes and are therefore traded at a discount on a secondary market. The government is studying ways in which the bonds could be traded in exchange for shares in businesses now publicly owned.

Phase II of the reform was planned to encompass properties between 247 and 1,235 acres (100-500 hectares), but has been

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postponed indefinitely for lack of money, personnel, and organizational resources. In the meantime land sales remain frozen, and uncertainty over the timing of Phase II has substantially curtailed investment in these farms.

Phase III allows former renters and sharecroppers to buy the land they worked as of May 7, 1980, up to a maximum of 17 acres (7 hectares). In practice, the applications average about four acres per farmer. Based on a Salvadoran government study, 117,000 farmers are eligible for land under the terms of Phase III. Progress on Phase III of the agrarian reform has been substantial during this reporting period.

Appendix C.1 shows that, in comparison to the last six months of 1982, increases in every category were greater than those of the last period except for the amount of compensation. Even so compensation to farmer owners increased by some 70 percent. Over 2,000 definitive titles were delivered this period compared to only 157 last period. The number of property owners compensated now stands at 271, an increase of 135 in 1983. As of June, 1983, some 50,866 persons had filed petitions for land, or 43 percent of those estimated to be eligible. Including family members, more than 300,000 Salvadorans are now moving toward ownership of the land they work under Phase III.

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An extensive mobile campaign to increase the number of beneficiaries was completed on February 28, 1983, just prior to the expected expiration date of Decree 207. The campaign brought 21,537 new applications. As expected, the monthly rate of new applications dropped considerably after the campaign, but a new mobile campaign is scheduled to begin this month.

In addition to promoting applications for land, the new campaign will also work to speed up the entire process, from application to definitive title. The campaign will recruit new beneficiaries, collect proof of eligibility, and prepare field inspections and financial plans with the goal of speeding up the compensation and titling process. Some 500 new employees will be hired for the campaign, and support has been promised by farmer organizations.

In March, Decree 171 extended until December 31, 1983 the benefits of Decree 207. It also gave departmental governors the right to establish fines of 500-10,000 colones (\$200-\$4000) for property owners illegally evicting a beneficiary. In extending the Phase III, Decree 171 also clarified the definition of those who could claim benefits under the program.

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As had been expected, evictions did occur during planting season, but apparently not nearly so many as during the same period last year. An intensive government sponsored media campaign and reinstallation of evicted farmers with support from the armed forces arrested what might have become a serious problem. According to Salvadoran government figures, there are still 995 beneficiaries presently evicted, and reinstallations are continuing. Some 692 evictions are in the east, however, where reinstallation is more difficult due to guerrilla activity. There are also likely to be some evicted beneficiaries who have not reported their status. A study now being conducted by the Ministry of Agriculture should give a better indication of the scope of the problem.

The Salvadoran Government has established a system to adjudicate disputed claims for land under Phase III. Disputes are first heard at the departmental office of FINATA, the Salvadoran agency which manages Phase III. Cases decided in favor of the landowner are reviewed by the president of FINATA in hearings at which both sides are present. As of April 30, oppositions have been filed by landowners in 1222 cases and decisions rendered in 322. Of these cases, 213 were resolved in favor of the landowner and 109 in favor of the beneficiary. Of 88 reviews made by the president of FINATA 25 were resolved in favor of the landowner and 28 in favor of the beneficiary; the others were still pending.

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2. Marketing Reforms

Early in 1980, the Salvadoran government nationalized the marketing of two of the three major export crops -- coffee and sugar. The government formed two state-owned companies, INCAFE and INAZUCAR, to promote the marketing of coffee and sugar abroad and domestically, to administer El Salvador's obligations under international commodity agreements, to purchase the raw production from the farmers, and in some cases to manage crop processing.

Coffee growers continue to seek to regain control of the export market, arguing that government control has led to inefficiency, low producer prices, and low export volume. While a large part of these ills derive from a weak international coffee market, there also appears to have been a rupture in long established commercial relations which has resulted in a loss of quality premiums formerly earned by private exporters. Supporters of nationalized marketing argue that a continued government role in the export of this critical resource is needed to control critically short foreign exchange earnings.

Relations between INAZUCAR and the sugar growers appear to be good. There is little serious movement at present to return control over nationalized mills or marketing to private hands.

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3. Financial Reforms

On March 7, 1980 El Salvador's domestic commercial banks and saving and loans associations were nationalized. The bank nationalization law provided for the monetary authorities to take over the management and control of the nationalized institutions, carry out financial audits to determine their net worth, compensate the former stock-owners, and return to the private sector 49 percent of the total shares of the banks.

Prior to the 1980 reforms, ownership of the banks was concentrated in the hands of a small group of individuals and families, almost invariably identical with the families who owned the large farms. Allocation of credit was largely restricted to the landowners with large holdings. Thus, nationalization of the banks was believed necessary not only to further democratize the economy, but also to permit agrarian reform to succeed.

Former bank owners have to date received 152 million colones (\$60.8 million) in compensation in the form of five-year bonds bearing nine percent interest. All interest and amortization payments on these bonds are now current. The final audit determined the new worth of the nationalized banks and saving and loans associations to be 232.8 million colones (\$93.1 million).

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The Central Bank announced sale of bank shares to the public on March 17, 1983. The monetary board established the price of the shares according to the book value of the institutions as of December 31, 1982. The central bank offered to sell 20 percent of the shares to the employees of the banks and savings and loans associations, and 29 percent to the general public, with preference given to the previous owners. But no one can hold shares of more than one financial institution nor own more than one percent of the shares of a single bank.

The public has not responded as enthusiastically as originally expected, with the result that funds the government had hoped to use to finance payment of the bonds have not materialized.

Nationalization did not significantly alter commercial operations. The two foreign banks, whose charter extensions until December 1985 were reported in the last certification report, continue to operate in El Salvador.

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4. Political Reforms

Following the March 1982 elections, the Christian Democrat-Armed Forces junta dissolved and peacefully transferred its authority to a provisional executive body, named by the newly elected Constituent Assembly.

The government is composed of members of the major parties that participated in the elections, including political independents. The president, Alvaro Magana, is a political independent, selected as a consensus candidate after no single party received a majority of seats in the Constituent Assembly. There are also three vice-presidents, each representing one of the three major democratic parties, i.e., the PDC, ARENA and the PCN.

The Constituent Assembly is charged with writing a new national constitution and acting as a legislative body until a new one can be elected under the new constitution. It is composed of sixty seats: twenty-four representatives from the Christian Democrat Party (PDC), nineteen from the National Republican Alliance (ARENA), ten from the Salvadoran Authentic Institutional Party (PAISA), four from the Party of National Conciliation (PCN), two from the Democratic Action Party (AD), and one from the Salvadoran Popular Party (PPS). Political

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parties representing interests that previously tended to express their opposition through violence are now competing in democratic form in the Assembly. Political debate is often divisive, but the parties have shown themselves capable of reaching important compromises.

Until a new constitution is approved by the Constituent Assembly, the 1962 constitution remains in effect, subject to the requirements of Decree 507 (state of seige), Decree 544 (wage and price freeze), and the agrarian reform.

El Salvador made clear progress in strengthening democratic institutions. Despite problems, the process of political reform continued. The process was and continues to be characterized by consistent movement toward the creation of a democratic state ruled by law. This year another important milestone will be reached -- direct election of a constitutional president.

The government's amnesty program, designed peacefully to motivate dissident elements to reintegrate in Salvadoran society, is discussed in section D.1. An important part of this effort is the goal of broadening the developing political process to include the full range of national political thought. The Peace Commission has issued an open invitation to

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far left parties to participate in elections and is willing to meet with them to find ways to ensure their security and access to the media. The Salvadoran government recognizes that a pluralistic, democratic system will require active opposition parties, with a fair chance to gain power through institutional means.

This report has also discussed in detail the direct presidential elections called for before the end of the year. The elections themselves are important, but the political activity already under way by the parties to gain support, to debate the platforms, and to select candidates, is also a healthy sign of an emerging, dynamic political process.

The first draft of a new constitution is now being published in Salvadoran newspapers, so that constituents can communicate their views to their representatives in the Constituent Assembly. Formal debate of the draft is scheduled to begin soon in the full assembly. The drafting process has had the added salutary effect of forcing an organized public discussion of major issues in the country.

The draft constitution strengthens the rights of private citizens. Presumption of innocence until proven guilty is codified in the constitution for the first time. Safeguards

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against excessive provisional detention and searches of the home without a warrant have been expanded. Workers made some important gains, including no fault severance pay, the right to strike without previous approval by the Labor Ministry, and social security coverage for rural workers and domestic servants. Politically, the draft constitution would establish a pluralistic form of government, and specifically notes that the existence of an official party is incompatible with such a system. Finally, some measures, although not as many as some Salvadoran legal experts would have preferred, have been taken to strengthen the judiciary. For example, the executive is obligated to incorporate the Supreme Court's proposed budget into the government's general budget without change, and the attorney general will be appointed by the legislature, rather than the executive. The constitution also delegates new investigative powers to the prosecutor general and provides for enhanced judicial review of legislation.

In addition to its responsibilities for drafting the constitution, the Constituent Assembly also functions as a national legislature. As such, it has taken difficult decisions on extension of land reform, the amnesty program, and a series of economic austerity measures, such as tax increases, designed to strengthen the Salvadoran economy. Most importantly, the assembly has become the primary organ for political decision and debate.

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The Constituent Assembly has also provided an effective forum in which sectoral interests, such as the labor movement, can lobby in pursuit of their interests. Campesino pressure, culminating in a demonstration several thousand strong by the Popular Democratic Unity umbrella labor organization aided the successful effort to extend Decree 207, the basis for Phase III of the agrarian reform. In addition, labor representatives are working with private sector and government representatives in a tripartite commission to draft a new labor code based on the new constitution. Organized labor is also actively cooperating with the government to assist beneficiaries of the Phase III of the land reform and is directly assisting many Phase I cooperatives with advice and other support.

Although not a reform in the sense of a new law or the creation of a new institution, the change of defense ministers on April 18, 1983, is an indication of the growing cooperation among segments within the democratic political system as well as an increasing recognition of the authority of the country's civilian leadership. This orderly transition, together with the role of President Magana, who announced the order ending the Cabanas mutiny in January 1983 (see Section B), indicate movement toward civilian control over the armed forces. This is an important element in the development of democracy in El Salvador, continuing to reverse the 50 year dominance of the military over the political life of the country.

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D. Political Solution

On February 23 President Magana announced that the Political Commission had agreed upon the creation of the third of the commissions envisioned in the Pact of Apaneca, the Peace Commission. At the same time the Political Commission issued a Plan for National Reconciliation based on amnesty, promotion of "adequate social and political conditions," and "encouraging all political and social sectors to join in the political process." (See Appendix D.1 for text.)

1. Amnesty

On May 4 the Constituent Assembly unanimously passed an amnesty law drafted by the Peace Commission. (See Appendix D.2. for text.) Under this program which went into effect May 16, the Government offered amnesty to (1) Salvadorans in armed rebellion against the government, including those in exile; (2) prisoners detained under Decree 507 charged with crimes whose penalties do not exceed four years and who have spent at least six months in prison; and (3) prisoners already sentenced under Decree 507 whose sentences do not exceed four years. Due to terminate on July 16, the amnesty program was extended until August 15 for those in armed rebellion.

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The bill established a three-member Amnesty Board with representatives from the Peace Commission, the Human Rights Commission and the Ministry of the Interior. The Amnesty Board reviews amnesty petitions, issues identification cards to provide legal protection to beneficiaries, and publicizes the amnesty. A military judge is responsible for granting amnesty to those held under Decree 507 and other laws included under the program. An amnesty rehabilitation committee assists beneficiaries in resettling inside the country or abroad.

The Government of El Salvador has officially asked the Intergovernmental Committee for Migration (ICM) to assist in this resettlement activity. Canada and Australia have begun interviewing amnesty beneficiaries seeking to emigrate there; the first group departed for Canada June 28. Belgium, Sweden, France and the United States have informed ICM that they may consider individual applications under the ICM program.

Out of approximately 730 Decree 507 prisoners in both Mariona and Ilopango prisons as of May 15, a total of 535 have been released. This includes all of the FDR/MNR (National Revolutionary Movement) leaders arrested in October 1982 and all of the ANDES (teachers union) members. The willingness of the government to relea

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It appears that many former political prisoners, especially those with the necessary economic resources, are leaving the country. Only 128 of the former prisoners have officially registered themselves as amnesty beneficiaries, but former prisoners who have not registered are also availing themselves of the Canadian and Australian immigration programs. There is little information on the activities of former prisoners who choose to remain in the country. To date, there have been no substantiated reports that political prisoners released under the amnesty have been physically harmed or rearrested, although a week prior to the day the amnesty program went into effect the bodies of two recently released Decree 507 prisoners were found near Mariona Prison.

Between May 16 when the amnesty started and July 5, an additional 121 new detainees were remanded to prison under Decree 507. Only detainees who have served six months' imprisonment are eligible for amnesty.

As of July 5, 152 former guerrillas, their supporters and camp followers ("masas") had turned themselves in and were processed as amnesty beneficiaries. Members of the Amnesty Board state that 60 to 70 percent of these beneficiaries were active combatants. The program has accelerated recently, due to the program's gradually increasing credibility and to increased military operations against the guerrillas.

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2. Elections

During the visit of the Pope to El Salvador in March, President Magana announced that presidential elections would be held before year end, earlier than the March 1984 schedule announced last year.

The coming elections will provide for the election of a president and vice president by direct popular vote. This is another major step beyond the March 1982 elections in which only the Constituent Assembly was directly elected; it then named the interim president and vice presidents and approved the Cabinet of Ministers.

A number of questions remain to be resolved regarding the precise date and levels of government to be contested in the elections; there are also technical and logistical problems. The draft constitution addresses some of these questions while the Central Elections Council (CCE) is tasked with resolving the others, including writing a new electoral code. At this point it is probable that if no presidential candidate wins an absolute majority, the winner will be chosen in a runoff between the two leading candidates.

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On May 30, the Peace Commission issued a statement to "all Salvadorans, including the members of the FDR" to work for national reconciliation. On June 6, Peace Commission President Francisco Quinonez offered to "dialogue with FDR and FMLN leaders about their participation in the next elections." In a June 11 press conference Quinonez repeated the Peace Commission's invitation to all Salvadorans to seek, by all available means, the opportunity to live in peace. He went on to say:

in particular, we reiterate our position [of] inviting the FDR, if it is disposed and interested in participating in the democratic process....to make this [desire] known. As you all know, the Peace Commission last month made an official declaration with regard to this invitation.[O]n June 3...the Commission reiterated this invitation and clearly directed itself to the FDR, with the express objective of demonstrating the political decision of the Peace Commission, backed by the the Pact of Apaneca and its Political Commission, to carry out conversations with the objective of including or taking the FDR into consideration in the democratic process, and I repeat, specifically in the upcoming electoral event.

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On July 12 the Peace Commission repeated the invitation and expressed its regret at the FDR's apparent unwillingness to enter into dialogue.

In his July 1 report to the Constituent Assembly, President Magana stated:

...to negotiate the distribution of power would be to rob and betray the mandate of the electors who are the great majority of all Salvadorans, which my government cannot do for peace.

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E. Investigations of the Murders and Disappearance
of American Citizens¹

1. Churchwomen

Since the January certification, the case against the National Guardsmen for the December 1981 murder of four U.S. citizen churchwomen has continued to wend its way through the Salvadoran judicial system. The guardsmen remain in detention.

At the end of the last certification period the Salvadoran investigating judge had just elevated the case against the five ex-national guardsmen to the "plenario" or final stage of the trial. The defense attorneys for the guardsmen promptly appealed the judge's ruling. On March 11 an appellate court confirmed that the judge had properly elevated the case to the plenario, but returned the case to him for further clarification concerning other crimes such as theft, ancillary to the murder of the churchwomen. (Under Salvadoran law a defendant must be tried simultaneously for all crimes committed

¹We have included the disappearance of Patricia Cuellar and the murder of LCDR Albert A. Schaufelberger because their cases are of concern both to the Executive Branch and to the Congress.

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during a criminal act.) This remand also created the opportunity to admit into the record certain evidence analyzed by the FBI, such as ballistics tests, that had not been previously admissible because of the requirement of Salvadoran law that all such tests be conducted in El Salvador. With the help of an FBI ballistics expert, the National Police have now confirmed earlier evidence linking one of the defendants directly to the crime. The National Police were also able to link a second defendant directly to the crime through examination of a rifle not available to the FBI during its initial tests. This evidence is legally admissible in Salvadoran courts and considerably strengthens the case against the defendants.

President Magana announced in Washington that the case would go to trial within eight weeks -- or the middle of August. Realistically, the defense attorneys will avail themselves of every benefit available under Salvadoran law and practice, and further delays cannot be ruled out. Given the opportunities for delay afforded defense counsel under the Salvadoran system, in particular liberal interlocutory appeals, this case has moved toward trial at a sustained, if slow, pace. The Government of El Salvador appears to have made a conscientious effort to prosecute these murders, and the criminal law and procedure of El Salvador are being respected and applied.

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In response to Congressional suggestions, the Secretary of State invited Judge Harold G. Tyler, former Deputy Attorney General, to conduct a review of all materials available to the United States Government concerning this case and to recommend any further actions that the United States Government might take to be helpful in these prosecutions.

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2. The American Institute for Free Labor Development
(AIFLD) Consultants

The attorney general is continuing to pursue the prosecution of the murders of Michael Hammer and Mark Pearlman, but the prosecution has been stymied by adverse rulings by the Salvadoran courts. On April 29 the appellate court in San Vicente denied the attorney general's appeal of the investigating judge's decision not to bring charges against Lt. Rodolfo Lopez Sibrian and to dismiss the charges against Ricardo Sol Meza and Hans Christ. This decision definitively closes judicial proceedings against Sol Meza and Christ and provisionally closes proceedings against Lt. Lopez Sibrian, if no new evidence is found.

Though charges were dismissed against Sol Meza and Christ for lack of evidence, a number of questions remain unanswered concerning the extent of their involvement in the murders.

The dismissal of charges against Lopez Sibrian, as well as the others, was a major setback, particularly because of the substantial body of evidence indicating that Lopez Sibrian ordered two guardsmen to commit the murders. Given the substance of the available information, we believe that the extent of the alleged participation of Lopez Sibrian, Sol Meza

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and Christ in the murders should be determined by a full trial on the merits. In an effort to reverse the appellate court decision, the attorney general has appealed that decision to the Supreme Court. The grounds for obtaining Supreme Court review, however, are narrow and procedural in nature and generally do not go to the merits of the case. We expect the Supreme Court to reach a decision soon.

In a companion case, the appellate court affirmed the lower court decision to commence full trial proceedings against the two confessed guardsmen who were directly responsible for carrying out the murders. As of this writing, the Department has not been advised of a trial date for those two defendants.

In spite of threats, intimidation, and adverse judicial rulings that have hampered prosecution of the AIFLD murder case, the Salvadoran executive branch continues to make a good faith effort to bring to justice those responsible.

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3. John Sullivan

On February 25, 1983, the Sullivan family announced that the body of John J. Sullivan, Jr., had been located in El Salvador and brought to the United States where it was positively identified. Mr. Sullivan was killed apparently during the night of December 28/29, 1980. His body, which had been mutilated to the extent that identification was impossible by normal means, was found near Nuevo Cuscatlan, El Salvador, on the morning of December 29, 1980, and buried the following day. In June 1982, an anonymous note directed the American Embassy's attention to the burial of the as yet unidentified remains. The body was first exhumed in July 1982 and examined by a Salvadoran medical examiner, who reported that the body was not that of Mr. Sullivan. However, subsequent review of x-rays of the remains called into question the accuracy of the Salvadoran examiner's findings. The remains were re-exhumed with the full cooperation of the Salvadoran Government and brought to the United States for further examination in February 1983, when identification was made.

Despite the identification of Mr. Sullivan's remains, very little progress has been made toward learning the identity of his killers. The American medical examiner was unable to determine the exact cause of Mr. Sullivan's death, nor was he

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able to find any forensic evidence that might assist in finding the killers. The author of the anonymous note directing the Embassy to Sullivan's grave turned out to be a person who, passing through Nuevo Cuscatlan, heard local gossip which he reported to the Embassy. He could add nothing further. The medical examiner's report has been forwarded to the appropriate Salvadoran authorities and will provide the formal legal basis for the continuing investigation into Mr. Sullivan's death.

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4. Michael Kline

Since the last certification, the Salvadoran military has completed its investigation of the October 13, 1982, shooting of an American traveler, Michael Kline, by Salvadoran soldiers. Mr. Kline was traveling through El Salvador by public bus en route to Costa Rica when the bus was stopped at a checkpoint by Salvadoran soldiers. The soldiers apparently decided Mr. Kline was acting suspiciously and that they would take him to their headquarters at San Francisco Gotera. Mr. Kline was killed by the soldiers on the way. Although the soldiers originally stated that they shot Mr. Kline at a distance while he was attempting to escape, an autopsy indicated that the shots were fired from close range. An investigation of the incident was begun by the military.

On March 11, the Salvadoran Minister of Defense announced that the three soldiers present at the shooting had been detained and would be turned over to civilian courts. The three soldiers are in prison while the judge of first instance in San Francisco Gotera conducts his own investigation of the killing.

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5. Patricia Cuellar

The disappearance of dual Salvadoran-American citizen, Patricia Cuellar, remains unsolved. Ms. Cuellar disappeared from her residence in San Salvador on July 18, 1982. Within 24 hours, her father, a Salvadoran citizen who was executive director of a major businessmen's association, and his maid also disappeared. Upon learning of her disappearance, the Embassy immediately sought the assistance of senior Salvadoran officials in attempting to locate these individuals. President Magana and then Defense Minister Garcia assured the Embassy that the agencies and personnel of the Government of El Salvador, including the armed forces, were not involved in the abductions. An eyewitness who was interviewed by the National Police and polygraphed by the FBI was unable to offer any new evidence. Salvadoran government investigators are continuing their investigation of this case.

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6. Lieutenant Commander Albert A. Schaufelberger

On May 25, 1983, Lieutenant Commander Albert A. Schaufelberger, U.S. Navy, Deputy Commander of the U.S. Military Assistance Group in El Salvador, was shot and killed in a parked car on the grounds of University of Central America in San Salvador. The gunman was assisted by two accomplices, another armed person and a driver. Composite drawings of the suspects have been made by the National Police but no suspects have been apprehended. The Popular Liberation Forces (FPL) and the Farabundo Marti National Liberation Front, the umbrella organization to which the FPL belongs, have claimed responsibility for LCDR Schaufelberger's murder. Available evidence confirms their claim to culpability in this terrorist action.

The Government of El Salvador has set up a working group to investigate this crime, and it is pursuing all leads. U.S. Government investigative personnel are assisting in this effort.

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IV. APPENDICES

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APPENDIX A.1.STATISTICAL METHODOLOGIES USED IN REPORTING
POLITICALLY MOTIVATED DEATHS

The U.S. Embassy in San Salvador has kept systematic records on public reports of political violence in El Salvador since September 16, 1980. A weekly violence report is prepared using data derived from the four San Salvadoran dailies; Prensa Grafica, Diario de Hoy, Diario Latino, and El Mundo. For consistency's sake, these statistics are culled only from information in the Salvadoran press. The newspapers are reviewed daily and articles crosschecked to avoid duplication. The reports of deaths and violent incidents are then listed.

The Embassy recognizes that this method does not record every death resulting from political violence. The actual totals are certainly higher. But for all its faults this system has the benefit of consistency and allows trends and patterns to be discerned from the data thus accumulated.

The primary source for newspapers reporting on civilian deaths are the justices of the peace located in municipalities throughout the country. One of the primary tasks of the justice is the identification and registration of bodies. Except for the areas with the greatest incidence of armed conflict, justices file regular reports with the courts. To the extent that reporters check with the courts, the figures are an accurate reflection of reported deaths. Not all deaths are reported, and not all areas are covered by reporters or justices. The figures are subject to a degree of under-reporting, but they do accurately reflect trends. Disappearances are reported directly to the press by family members or are taken from court records.

Casualties resulting from military operations are not included in the Embassy figures. The Embassy figures distinguish between press reports of guerrillas killed in action and civilian deaths attributed to political violence. This is in contrast to the methodology employed by the groups compiling figures on political violence in El Salvador. Immediately following the July 28, 1982 certification, all the human rights organizations that follow violence changed their methodology. These groups now include all deaths, except armed forces casualties, as civilian political deaths. Press reports of guerrillas killed in action and civilian deaths attributed to political violence are combined into a single category, deaths attributed to security forces and paramilitary squads. If the guerrillas admit, presumably by means of Radio Venceremos, that they suffered losses during military operations, this number is subtracted from those announced by the military. However, guerrillas do not regularly admit to losses.

Organizations compiling figures on political violence in El Salvador and their methodologies are as follows:

-- The Legal Aid Office (Oficina Tutela Legal) of the Archdiocese Commission of Justice and Peace replaced the Socorro Juridico. The Commission began reporting on disappearances in May 1982. In mid-July, 1982, the Commission began issuing violence statistics, derived primarily from press reports. The Commission also monitors figures on deaths from Radio Venceremos (the guerrillas' clandestine radio station), denunciations by family members, and other human rights groups' statistics. These figures may be subject to duplication of reporting from other sources. They may also be inflated since there is no distinction made between press reports of guerrillas killed in action and civilian deaths attributed to political violence.

-- The Human Rights Commission of El Salvador (CDHES). CDHES collects information and issues reports on human rights from its office in the Archbishopric. Its figures on deaths and disappearances are taken from newspapers, other human rights organizations, and, on occasion, personal observation. The figures may be subject to inflation through duplication of reporting by other sources, and to inflation by not distinguishing between press reports of guerrillas killed in action and civilian deaths attributed to political violence.

-- The University of Central America (UCA). The UCA acts as a human rights information clearing house, taking its information from newspapers and other human rights organizations. The UCA also fails to distinguish between press reports of guerrillas killed in action and civilian deaths attributed to political violence.

-- Socorro Juridico Cristiano. When the Socorro Juridico was removed from the Archbishopric in May, it changed its name to Socorro Juridico Cristiano. Its statistics and methods of compiling statistics correspond almost exactly to those issued by the Archdiocese Commission of Justice and Peace. The Socorro Juridico Cristiano's figures may also be subject to duplication of reporting from other sources, and to inflation by not distinguishing between press reports of guerrillas killed in action and civilian deaths attributed to political violence.

Because of the inaccuracies inherent in violence reporting and the possibility of duplication, the reliability of the figures cannot be established. Nevertheless, both the statistics compiled by the Embassy from press reports and those issued by the various human rights organizations do demonstrate trends, despite the differences in their data base and their methodology.

CIVILIAN DEATHS ATTRIBUTABLE TO POLITICAL VIOLENCE

<u>1980</u>	<u>Press Reports</u>	<u>Socorro¹ Juridico</u>	<u>CDHES²</u>	<u>UCA³</u>	<u>CDJP⁴</u>
October	819		1,383	1,038	
November	779		718	962	
December	<u>575</u>		<u>700</u>	<u>687</u>	
Total:	2,173		2,801	2,687	
<u>1981</u>					
January	565	2,644	2,293	2,333	
February	481	903	1,402	1,402	
March	599	1,922	1,704	1,622	
April	493	2,311	3,048	2,341	
May	454	536	712	547	
June	392	744	730	685	
July	534	586	819	667	
August	479	582	654	592	
September	296	472	498	486	
October	345	438	975	1,038	
November	244	820	1,295	216	
December	<u>349</u>	<u>1,395</u>	<u>2,146</u>	<u>—</u>	
Total:	5,331	13,353	16,276	(11,929)	
<u>1982</u>					
January	279	466	626	539	
February	361	530	405	387	
March	438	526	905	483	
April	170	805	235	353	
May	233	375	269	334	
June	188	355	433	487	355
July	163	199	125	316	109
August	196	702	457	681	584
September	162	473	143	233	185
October	145	618	480	156	482
November	138	620	142	200	227
December	<u>157</u>	<u>296</u>	<u>520</u>	<u>131</u>	<u>380</u>
Total:	2,630	5,965	4,740	4,300	2,322
<u>1983</u>					
January	228	378	672	279	437
February	237	657	350	317	550
March	122	471	184	142	335
April	158	455	326	201	392
May	183	485	343	158	510
June	<u>126</u>	<u>377</u>	<u>396</u>	<u>134</u>	<u>346</u>
Total:	1,054	2,823	2271	1231	2570

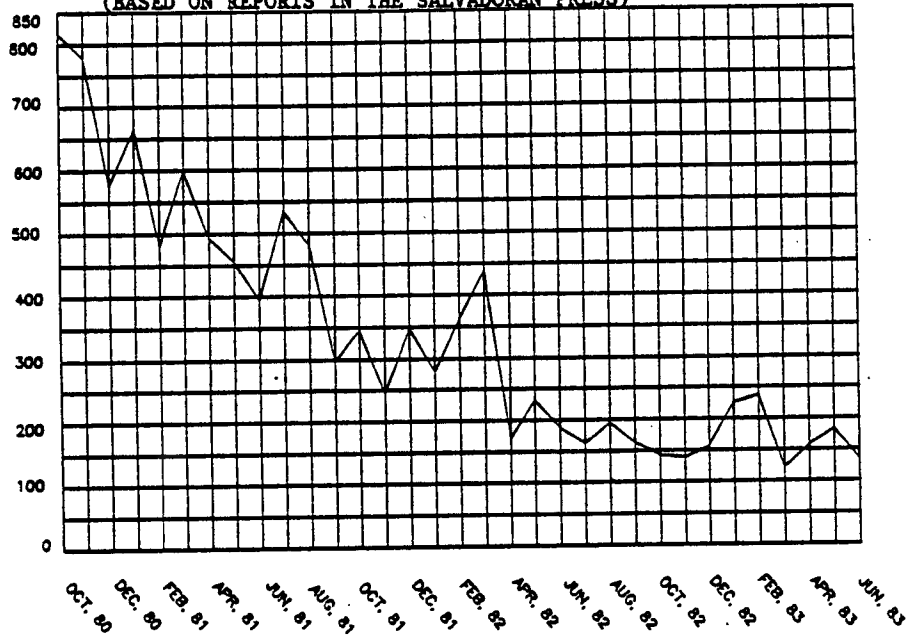
¹Socorro Juridico became the Socorro Juridico Cristiano in May 1982 after it was replaced in the archdiocese by the CDJP.

²The Human Rights Commission of El Salvador (CDHES); not associated with the Government of El Salvador's Human Rights Commission.

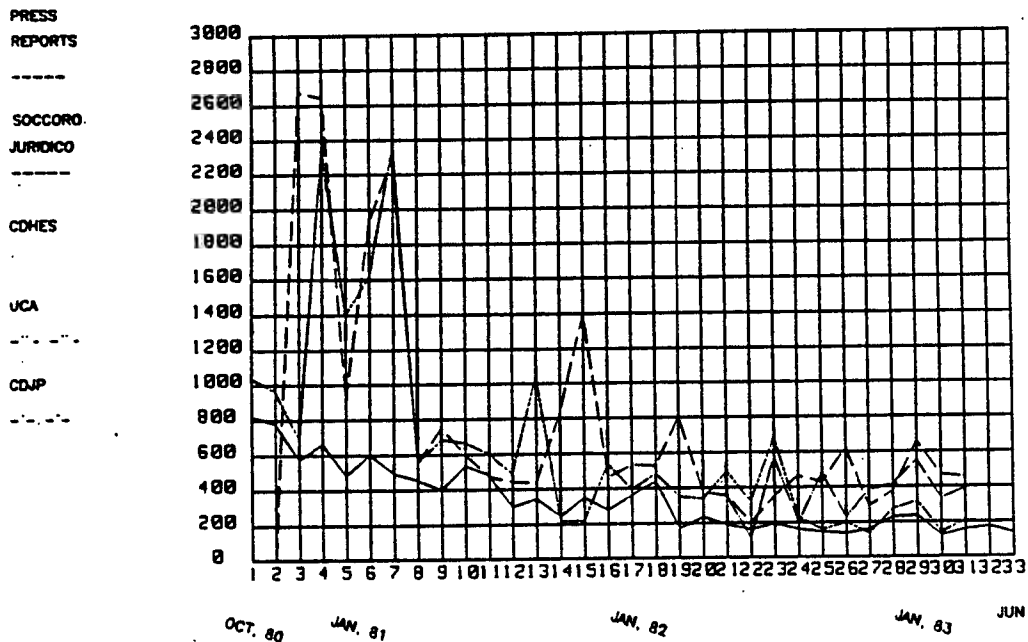
³The University of Central America (UCA)

⁴Archbishopsric Commission of Justice and Peace (CDJP)

CIVILIAN DEATHS ATTRIBUTED TO POL VIOLENCE (BASED ON REPORTS IN THE SALVADORAN PRESS)



CIVILIAN DEATHS ATTRIBUTED TO POL VIOL. (ACCORDING TO VARIED SOURCES)



APPENDIX A.3

CIVILIAN DISAPPEARANCES

1981	PRESS REPORTS	1 CDHES	2 UCA	3 CDJP
August	61			
September	51+			
October	40			
November	11			
December	33			
Total	196			
<u>1982</u>				
January	44	91	102	-
February	33	15	86	-
March	46	23	57	-
April	52	15	16	-
May	23	-	35	68
June	27	26	52	54
July	57	14	67	61
August	54	17	129	82
September	34	15	90	49
October	26	31	68	47
November	36	23	88	54
December	25	11	60	37
Total	457	281	850	452
<u>1983</u>				
January	39	41	56	56
February	25	44	60	32
March	34	27	28	33
April	33	25	100	48
May	53	44	73	90
June	48	23	145	67
Total	232	204	462	326

1. The Human Rights Commission of El Salvador (CDHES); not associated with the Government of El Salvador's Human Rights Commission.

2. University of Central America (UCA)

3. Archbishopric Commission of Justice and Peace (CDJP)

Note: Data on civilian disappearances is subject to the same inaccuracies as that on deaths. Reports for the most part come from urban areas. They are not corrected for errors, releases of detainees, reappearances, etc.

APPENDIX B.1**SYNOPSIS OF THE ARMED FORCES OF EL SALVADOR STANDARD OPERATING
PROCEDURES (SOP) IN COUNTER SUBVERSIVE OPERATION**Forwarding Letter

Dated May 13, 1983, and signed by Minister of Defense Brigadier General Carlos Eugenio Vides Casanova, this covering letter directs recipients to distribute the attached SOP so that existing attitudes and conduct can be adjusted to those procedures contained in the SOP. The letter also makes clear that violations will be investigated immediately and appropriate sanctions will be imposed where warranted. The letter makes it manifestly clear that the SOP applies to all officers, non-commissioned officers, soldiers, and to the security forces as well as the regular armed forces.

The SOP

The document is divided into two parts. The first is a summary of armed forces counter subversive operations, while the second part outlines procedures for the handling of individuals detained by the armed forces.

Highlights of Part IThe Code of Conduct

- (1) I am a representative of the government of El Salvador.
- (2) I will always act in a military manner.
- (3) It is my duty to support and defend the constitution and the rights which it guarantees to the people.
- (4) It is my duty to protect the lives and property of all Salvadorans.
- (5) It is my duty to report, and if necessary arrest anyone who violates the law or constitution.
- (6) In action, I must respect the constitution and keep in mind peoples' human rights. I will not mistreat anyone, nor deny medical treatment.
- (7) I will use minimum force necessary to accomplish my mission.
- (8) If it is necessary to shoot, I will not shoot to kill, but to wound.
- (9) When necessary, I have the obligation and authority to arrest those who violate laws.
- (10) At all times my conduct during and after duty hours will be in accordance with the laws of the country and the orders of my superior officers.

A section of "Standards of Conduct" stresses use minimum force necessary, and proper treatment of civilians.

Eight principles of courtesy for members of the Armed Forces.

- (1) Be pleasant and courteous.
- (2) Private and public behavior should be excellent.
- (3) Serve efficiently.
- (4) Project a good image of the armed forces.
- (5) Show respect and understanding.
- (6) Be just, humane, and equitable.
- (7) Be even tempered.
- (8) Remember that you are a public servant.

The remainder of Part I provides examples of applying the forgoing to specific situations. The all-pervasive tone is that the minimum force necessary should be applied, and that respect for human rights is fundamental.

Highlights of Part II

- The arrest of all suspects will be made by personnel in uniform. Only when specifically authorized can military or security personnel make arrests while in civilian clothes.
- Prisoners are to be treated humanely and given needed medical attention, adequate food, and visitation by the Red Cross and the Human Rights Commission.
- A special section is devoted to the procedures for handling members of the armed forces who are arrested for criminal activities or human rights violations. Commanders of such personnel are required to notify the General Staff immediately and to conduct a thorough investigation. Results of the investigation are then to be furnished to the General Staff and to the Ministry of Defense. During the investigation, commanders are authorized to place the suspected service member under arrest. If sufficient proof of guilt is available, the suspects are to be turned over to proper judicial authority.

PHASE III AGRARIAN REFORM STATUS (DECREE 207)

	<u>As of</u> <u>12/31/82</u>	<u>As of</u> <u>6/30/83</u>	<u>Change</u>	<u>Change</u> <u>Last</u> <u>Period</u>
Number of Farmers who have Filed Title Applications for Land (direct beneficiaries)	39,344	50,866	+11,522	+9,638
Total Beneficiaries (estimated at 6 members per family)	236,064	305,196	+69,132	+57,828
Land Area Affected (acres)	155,237	199,023	+43,786	+34,137
Title Petitions Filed	50,409	64,687	+14,278	+13,174
Provisional Titles Issued	34,674	42,415	+7,741	+2,325
Property Owners Compensated	136	271	+135	+123
Amount of Compensation Paid (US Dollars)	3,584,199	6,022,412	+2,438,213	+2,970,069
Definitive Titles	408	2,453	+2,045	+157
Reinstallation of Evicted Beneficiaries	2,532	3,656	+1,124	+394

	<u>Total Government</u> <u>Credit to</u> <u>Agricultural Sector</u> <u>(\$ Millions)</u>	<u>Credit to Phase I</u> <u>Cooperatives</u> <u>(\$ Millions)</u>
1980/81	322.70	105.60
1981/82	382.40	74.00
1982/83	414.20	127.30

PLAN FOR NATIONAL RECONCILIATION
Issued by Political Commission
February 23, 1983

The Political Commission reaffirms that the solution to the problem of violence must be an essentially political and democratic one. It is therefore essential to carry out, in a continuous and permanent fashion, the necessary efforts to achieve the goals of the democratic process, which is the only road to peace. The Commission therefore categorically rejects the recourse to arms, imposed and supported by forces from abroad, because it is odious to Salvadoran aspirations. The Salvadorans have repeatedly expressed their inclination for peace and democracy as well as their confidence in the process already begun. This process will be fulfilled, according to the government's political calendar, in next year's elections, where the people will freely choose its representatives.

The Political Commission unanimously reaffirms its unwavering decision to maintain peace and its firm determination to establish respect and tolerance for different ideologies in order to achieve a pluralistic, democratic, and just society. A society which will promote social progress through a strict respect for human rights.

In order for peace to exist in El Salvador, it is essential that groups opposed to the present democratic process, whatever their ideology, desist in their radicalized sectarian acts and abandon the irrational strategy of violence, destruction and revenge. Only thus may peace indiscriminately embrace all sectors and tendencies.

Our democratic process, confirmed in the elections of 28 March 1982, is, in itself, a peace process. It is supported, strengthened and energized by the programs of human rights, economic recovery, and social reform, all of which make up the peace program of the Government of National Unity. This integrated program is designed to deal with the causes and effects of the conflict, through the accomplishment of those objectives.

Our program is the only available means to establish those necessary conditions for peace which dialogue, by itself, is unable to accomplish. The simplistically outlined plan for a proposed dialogue will not serve as an adequate means for the attainment of peace. Since it is motivated by propagandistic aims and is used as a tactical tool, it has in fact become a stumbling block to the real possibilities for peace.

The Political Commission urges and coordinates the integral implementation of the peace program as a Salvadoran solution to the Salvadoran problems, creating the instruments and mechanisms for the national reconciliation.

The National Commission will therefore have the following objectives:

- A) To carry out immediately the revision of the bill for an amnesty law and oversee its correct enforcement, with the purpose of having the members of the armed rebellion lay down their arms and join the democratic process;

- B) To promote adequate social and political conditions for an effective and lasting peace; by improving the tools of democratic participation, such as the electoral process; access to the media and the freedoms of association and expression; and
- C) In general, to develop all those activities which tend to strengthen the bases for the achievement of peace in the country, encouraging all political and social sectors to join the democratic process.

The Peace Commission will work jointly and in close collaboration with the Human Rights Commission. It will dedicate itself to the following tasks:

- Enforce the implementation of the amnesty law.
- Revise the laws on political crimes, and its procedures, in order to propose adequate changes.
- Recommend solutions to the problems of civilians living in the war zones, in order to help bring their lives back to normal.
- Recommend measures which will strengthen the judicial branch, so it may become the proper recourse for solving conflicts and the best guarantee of the rights of the individual and of society.

The strengthening of El Salvador's image internationally will produce a better understanding of our situation and help reject, in all its guises, aggression and intervention from abroad. It will help us achieve our purpose for peace, which is affected by conflicting hegemonic interests and which make more difficult our efforts towards peace.

The Constitutional Government of the Republic is committed to the defense of our republican and democratic institutions, presently threatened by subversion.

The Political Commission of the Pact of Apaneca, with the purpose of achieving the most important of all national objectives, duly presents its peace program, designed to overcome social conflict and to make democracy and human rights a reality. It therefore faithfully interprets the will of the Salvadorans who voted on 28 March 1982.

The Commission calls upon the people of El Salvador to support this peace program and to join what is a veritable national crusade in favor of the objectives described in the present document.

Signatures:

Doctor Alvaro Magana Borja, President
Sr. Raul Molina Martinez, First Vice President
Dr. Gabriel Mauricio Gutierrez, Second Vice President
Dr. Pablo Mauricio Alvergue, Third Vice President
Dr. Fidel Chavez Mena, Minister of Foreign Relations
General Jose Guillermo Garcia, Minister of Defense
Mr. Hugo Barrera, Arena Representative
Mr. Benjamin W. Navarrette, PCN Representative
Mr. Francisco Quinonez, PPS Representative

SALVADORAN AMNESTY LAW

The Constituent Assembly of the Republic of El Salvador,

Whereas:

I. In the election of March 28, 1982, the Salvadoran people declared their total repudiation of violence and all its forms and their determination to achieve peace for their country;

II. All inhabitants of El Salvador have the right to life, honor and liberty, rights that are established in the Constitution, the American Declaration of Human Rights and Duties, and the American Convention on Human Rights;

III. It is the duty of the Government of National Unity to establish fundamental bases so that we Salvadorans and those of other nationalities who reside in our country can enjoy peace and tranquility in an atmosphere of confidence, work and harmony;

IV. Numerous members of the various illegal armed groups have stated on several occasions their desire to withdraw from such groups and live in peace in the Salvadoran community;

V. The Government of National Unity, composed of members of various political parties, offers in its peace program the necessary guaranties for all Salvadorans to exercise their civic rights within the law, and, as a positive measure under that program, it is appropriate to decree the following amnesty and civic rehabilitation law for persons belonging to groups or political organizations of any ideology who are being prosecuted, have been convicted, are being held for investigation, or who have not been the subject of any criminal proceeding for the offenses referred to herein;

VI. The Salvadoran Government must ensure that those who avail themselves of the benefits of this law are peacefully integrated into society as useful citizens, and to that end the state should provide the necessary means for their rehabilitation, providing moral and material assistance so that they may reorganize their personal situation and that of their family,

Therefore (The Constituent Assembly), exercising its legislative powers and on the initiative of the President of the Republic, through the Minister of Justice, having heard the opinion issued by the Vice-President of the Republic and that of the Supreme Court of Justice, hereby decrees the following Law on Amnesty and Civic Rehabilitation.

Article 1. Within the conditions and requirements established herein, amnesty is granted to any Salvadoran civilian who, before this date, has participated as principal or accomplice in the commission of offenses of a political nature or offenses under ordinary law connected with such political offenses, whether or not prosecution has been initiated.

Article 2. For the purposes of this law, political offenses shall be those included in Title I, Chapter I, Articles 373-380 and Articles 392-394 of the Penal Code; and Chapter IV, Articles 400-411 of Book II, Part 4, of the Penal Code; Title II, Chapter I of Book II of the Code of Military Justice; and, in general, those offenses included in Decrees 507 and 943, dated December 3, 1980, and January 15, 1982, of the Revolutionary Junta of Government, published in Diario Oficial No. 228, Vol. 269, of December 3, 1980, and No. 10, Vol. 274, of January 15, 1982, respectively.

Article 3. Amnesty shall be granted to:

(A) Those who have taken up arms against the Government or have participated in other offenses of a political nature, or offenses under ordinary law related to such political offenses, and who avail themselves of the benefits of this law, provided that they are not under detention;

(B) Those who are being prosecuted for one or more offenses, the maximum penalty for which does not exceed four years for each offense, and who complete or have completed six months' detention.

(C) Those who have been sentenced under a final judgment for an offense included in (B) above.

With respect to paragraph (A) above, the certification referred to in Article 7 herein may be used as evidence in a plea for dismissal of criminal charges in any case in which charges are brought or have been brought for the offense included in the certification.

With respect to paragraph (B) above, the Military Judge of First Instance, acting ex officio or at the request of the interested person or any other person, shall dismiss the charges and order the release of the person without bail.

With respect to paragraph (C) above, the Military Judge of First Instance, acting ex officio or at the request of the interested person and after granting the Office of the Attorney General of the Republic three days to submit arguments, shall revoke the penalty imposed and order immediate release of the person without bail.

Release orders issued by the Military Judge of First Instance shall be forwarded directly to the Detention Center with a copy to the Amnesty Board.

Article 4. An Amnesty Board is hereby established. Its Headquarters shall be in San Salvador and it shall be composed of three members, one appointed by the Peace Commission, one by the Human Rights Commission, and one by the Ministry of Interior. The member appointed by

the Peace Commission shall be the Chairman, and the member appointed by the Ministry of Interior shall be the Secretary. The Board may appoint such delegates as it deems appropriate throughout the territory of the Republic.

Article 5. The Amnesty Board shall receive, directly or through its delegates, the applications of persons who desire to avail themselves of the amnesty provisions, or shall hear the oral petitions of such persons, and shall ensure compliance with this law. The Board may order all State communications media, and request other communications media, to publish and disseminate without charge the rules and provisions of this law and any other information the Board may wish to publicize for the purpose of achieving the objectives of this law.

Article 6. Persons covered by Art. 3 (A) who reside abroad and who wish to enjoy the benefits of amnesty may apply in person or through a third person to the Amnesty Board or to its delegates.

Article 7. A Memorandum of Record shall be made of any oral or written application to the Amnesty Board or its delegates and shall include: the personal data of the applicant and a specific statement that he or she wishes to avail himself or herself of the benefits of this law. A copy shall be delivered to the applicant.

When application is made to the delegates of the Amnesty Board, the delegates shall send the original copy of the memorandum of record to the Board headquarters within the following three days, shall retain one duly signed and stamped copy of the memorandum, and shall give the applicant a copy.

A certificate to the effect that the applicant has stated voluntarily that he wishes to avail himself of the benefits of the law and that the offenses with which he is charged are included in the amnesty shall be given to the applicant after being signed and stamped by the Amnesty Board.

The Board shall issue amnesty papers or an amnesty card to persons who are granted amnesty.

Article 8. If the person who is granted amnesty wishes to leave the country, the Board shall apply to the Ministerio del Interior (Ministry of the Interior) or the Direccion General de Migracion (Emigration/Immigration Service) for a special passport which shall be issued without charge.

Article 9. A Committee for the Rehabilitation of Amnestied Persons is established. It shall be formed by the Ministries of Defense and Public Security and Public Health and Welfare, the General

Coordinator of the National Commission on Assistance for Displaced Persons (CONADES), and the President of the Salvadoran Institute of Agrarian Reform (ISTA), or their representatives. The objective of the Committee shall be to take the urgent and necessary steps to guarantee those granted amnesty under this law life, health, food and work in conformity with the guidelines provided by the Amnesty Board.

Article 10. The Committee for the Rehabilitation of Amnestied Persons shall have the primary function of returning amnestied persons to normal life in society; to that end, it shall adopt such measures as it deems necessary.

Article 11. All trials and proceedings for the offenses referred to in Article 2 of this law which are being heard by courts or officials other than the Military Judge of First Instance when this law enters into force shall be turned over to the Military Judge of First Instance within a preemptory period of 72 hours.

If it is considered that the acts with which the applicant is charged are not covered by this law, the Judge shall return the cases or proceedings to the appropriate court or official as soon as possible.

For the purposes of this Article a period of 15 days from the date of application for amnesty is established for the Judge concerned to classify the offense.

Article 12. No authority or official may oppose compliance with this law or with orders issued by the Amnesty Board in the performance of its duties.

Article 13. The persons referred to in Article 3(A) of Part 1 of this law who wish to avail themselves of the benefits of this law must do so within 60 days from the date the law enters into force.

The Amnesty Board may accept all types of donations from national or international organizations or individuals.

Article 15. This Decree shall enter into force on the date of its publication in the Diario Oficial.

STATEMENT BY THE PEACE COMMISSION

May 30, 1983

To all the Salvadoran People:

The Peace Commission created to implement the Apaneca Pact Peace Program reaffirms that the solution to the problem of violence should be an essentially political and democratic solution and, to that end, it makes the following statement:

I. One of the objectives of the aforementioned Peace Program is to initiate activities tending to strengthen the bases for the achievement of peace in El Salvador and to encourage all political groups and all segments of society to participate in the democratic process and in the pursuit of peace.

II. Within the framework of the foregoing proposition, and with the firm determination of achieving peace, the most important of all the national objectives, the Peace Commission introduced an amnesty bill that has already begun to produce the results expected from it. Such determination and clarity of purpose in the pursuit of peace reflect the firm resolve of the Salvadoran people to find Salvadoran solutions to the Salvadoran problems.

III. In that spirit, which fosters national reconciliation, the Peace Commission reaffirms its ineluctable responsibility to seek a peace that will pervade all segments of society. Therefore, it calls on all Salvadorans, including the members of the F.D.R., to give this matter constructive consideration as soon as possible. Such consideration will enable us to restore, through reason and understanding, a [peaceful] coexistence in which all [Salvadorans] may participate in political life, employing democratic mechanisms through which the Salvadoran people may express their sovereign will.

IV. Accordingly, the forthcoming elections, besides representing the return to the full institutionalization of the Republic, will provide an opportunity for integration and participation by all Salvadoran political groups, including those who have risen in arms, in a peaceful democratic contest that may lead to national reconciliation.

V. Lastly, the Peace Commission calls on those Salvadorans who still maintain a hostile and manifestly intransigent attitude to seek peace with firm determination and to change their attitude for the sake of achieving the most important of all the national objectives: The reconciliation of the Salvadoran family.

San Salvador, May 30, 1983

The Peace Commission

Dr. Jose Guillermo Trabanino

Bishop Marco Rene Revelo

Francisco Quinones Avila

APPENDIX D.4.

STATEMENT ISSUED BY PEACE COMMISSION OF EL SALVADOR
July 12, 1983

Based on the peace program signed by the Political Commission of the Apaneca Pact, it behooves the Peace Commission to promote the incorporation of all political and social sectors into the Democratic and peace process.

On May 30, 1983, this Commission publicly issued a call to all sectors, and particularly to the group called FDR, to begin a dialogue and to make participation in El Salvador's democratic political life possible, a call which is now broadly reiterated.

The only path for finding a solution to the problem of the violence imposed on El Salvador is the political and democratic path. In this sense, the supreme judge is the Salvadoran people through the democratic and, particularly, the electoral mechanisms.

The dialogue to which we have referred must not be used as a means of propaganda or a tactical resource because it runs a serious risk of becoming futile and useless.

This Commission has maintained and will continue to maintain a serious, firm, calm, and evenhanded position to achieve, through its actions, its major objective: Peace.

The Commission regrets the (FDR's) action and apparent reasons for supporting the initiation of the dialogue, particularly as the Commission has used intermediaries to convey clear messages about its position.

The Peace Commission again calls on those who insist on maintaining a hostile attitude and open intransigence to abandon such attitudes for the sake of reuniting the Salvadoran family.

San Salvador, July 12, 1983.

(Signed): Jose Guillermo Travanino
Monsignor Marco Rene Revelo
Francisco Quinonez Avila, Coordinator.

STATEMENT OF SALVADORAN PRESIDENT ALVARO MAGANA
THE WHITE HOUSE
JUNE 17, 1983

My visit to the United States of America is made in order to strengthen the ties that have historically united us with this country.

It is a propitious opportunity to present to the people of the United States of America a true picture of my country and of the goals we have set within the context of the difficult conditions which confront us. These goals sustain our conviction that President Reagan is giving his support to a legitimate government, and to the just cause of the Salvadoran people for maintaining and consolidating a democratic system in accordance with the tradition of liberty and human solidarity which have constituted the basis for the birth and the greatness of the United States of America.

The situation in El Salvador is part of a world situation of economic crisis and ideological conflict. However, our problems are not solely the result of external factors. For a long time, social and economic inequalities have been obstacles to the full development of democracy. They have provided the opportunity for extra-hemispheric interests, most particularly those of the Soviet Union and her satellites working through two Latin American countries to make us victims of their expansionistic policy.

Our Government is the outcome of the electoral decision of the Salvadoran people, who on March 28, 1982, risked their lives in order to choose overwhelmingly and without doubt the democratic system as a preferred form of political organization. Consequently, my Government is not the result of one or another ideological faction having prevailed: rather it is the clear and constitutional expression of the sovereign will of the people expressed in the most multitudinous free election known in our entire history.

With this legitimate mandate of the vast majority of Salvadorans, the Government of National Unity was formed. On August 3, 1982, we adopted the basic platform, now known as the "Apaneca Pact." This pact includes the common objectives of the political parties expressed during the electoral campaign. These objectives included progress toward peace, democracy, full respect for human rights, consolidation of social reforms and economic recovery: all of which are being carried out in spite of the adverse circumstances, national and international, that we face.

In order to ensure the accomplishment of these objectives put forth by the platform, a Political Commission was set up. This Commission being composed of the Constitutional President of El Salvador, the Foreign Minister, the Defense Minister and representatives of the political parties. The Commission is assisted by other organizations which are responsible for each of the specific objectives.

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Respect for human life and the physical integrity, along with the dignity of all Salvadorans is the responsibility of the Commission on Human Rights and the constant concern of my government. I am pleased to say that in order to safeguard those human rights, we have adopted concrete and pragmatic measures, such as the granting of amnesty, accelerated consideration of cases involving political crimes, plans to reform legal procedures applicable to such crimes, cooperation with the International Red Cross, ministerial directives to the security forces to ensure strict compliance to legal procedures, and other similar measures. One important step toward guaranteeing respect for human rights will be the judicial reform which is envisioned in the new constitution: an independent judicial authority and an independent Attorney General, with sufficient authority and sufficient means to improve the administration of justice. Furthermore, the Attorney General will have the technical capability for the scientific investigation of crime.

The reduction in the gravity of conflicts resulting from the economic and social reforms has contributed to the strengthening of the democratic process which the Government of National Unity has committed itself to maintain and consolidate: well aware that they are important conditions for social stability, created in an atmosphere of confidence, and a determining factor in the exercise of democracy.

Convinced of the importance of the private sector to economic recovery, the Government of National Unity has sought to create a favorable climate for the growth of private enterprise. The private sector has joined the public sector in forming a committee charged with economic recovery in El Salvador. These efforts at recovery face difficult obstacles caused primarily by low prices paid for our basic exports, increased prices of imports, and the problems of the Central American Common Market. To these I must add violence and the destruction of the infrastructure. Nonetheless, based on the spirit of diligence and sacrifice of the Salvadoran people, the economic cooperation of the United States of America, and a financial discipline of austerity which has permitted us to maintain tolerable rates of inflation and reasonable currency stability, my government has succeeded in reverting the declining trend of the economy.

The peace program of the Government of National Unity rests fundamentally upon the electoral process and on behalf of this government I reaffirm that the solution to the problem of violence should be essentially democratic. Accordingly, elections with participation by all Salvadorans without distinction, constitute the only means to obtain a definitive and permanent peace in order to establish a pluralist system that ensures democracy.

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In view of the importance of the participation of all Salvadorans in the coming elections, in a spirit of good will and in order to create conditions favorable to this full participation, we have enacted a generous amnesty law. To date 500 political prisoners who were subject to the legal process, have been freed under this law.

In order to better achieve our objectives, the Peace Commission on May 31 of this year appealed to the political sector of the subversive elements for the establishment of a dialogue to determine conditions and guarantees for their participation in the next elections. This appeal has been repeated twice in recent days.

Just as the essence of democracy consists of the right of the citizens to elect their leaders and to confer political power on their representatives, negotiating away a portion of this political power would be a divestment and betrayal of the electorate. This my government would never commit.

Our program of peace is the genuine democratic alternative. In this way, peace will be the logical consequence of the democratic process which will be assured in the next electoral events. It will also result from respect for human rights, consolidation of the social reforms, and economic recovery. In summary, it will result from the combined efforts of all Salvadorans.

Foreign military intervention in domestic affairs constitutes the main obstacle to our efforts to attain peace. The interference of extracontinental communist countries by way of Cuba and Nicaragua in support of armed groups against a legitimate, constitutionally elected government, is a form of aggression which violates the essence of international law, specifically the principle of non-intervention in the internal affairs of other states.

Faced with this situation, our armed forces have the constitutional obligation to defend the nation's sovereignty and to repel, in legitimate self-defense, the armed subversion that has been imposed upon us from abroad.

This external aggression has destroyed villages, forcing hundreds of thousands of humble Salvadorans to abandon their homes. It has subjected our productive facilities, our crops, our bridges and roads, our communication and transportation systems and the infrastructure of all public services to systematic destruction.

To alleviate this situation, integrated programs have been commended to the "Commission for the Reconstruction of Specific Areas," coordinated by the armed forces and tending to bring normalcy of activities to the inhabitants of areas affected by violence through the reestablishing of public services and the reconstruction of the infrastructure.

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No one can dispute a nation's right to defend itself against external aggression and against the destruction of the scarce assets which in a developing country are produced at great sacrifice. For this reason, we have the right to the understanding and solidarity of all free nations of the world. For these reasons we have the right to the understanding and solidarity from all other free nations; as we have had from our Central American brothers, those with whom we share democratic ideals, and for whom I wish to express our gratitude.

El Salvador has not responded to aggression with aggression, nor to intervention with intervention. Last year, with a peace loving spirit we proposed a regional dialogue to strengthen democratic institutions, to end the arms race and the arms traffic, and to improve commercial and economic relations. With the same spirit we accepted the initiative of the "Grupo Contadora," whose invitations we have always responded to positively.

With the future of democracy in our country in great peril, we do know how to appreciate and be grateful for the solidarity and sympathy that President Reagan has clearly expressed for our cause, both in public and in private, and has responded with concrete and significant action.

El Salvador fights not only for the survival of its own democratic system; we also defend western democracy. For this reason I want to appeal to the honorable members of the United States of America's Congress to support the efforts of President Reagan to aid El Salvador. This assistance strengthens the cause of democracy in the Central American region. A weak, vacillating commitment endangers peace and hemispheric security. For this reason the people of the United States must fully understand that we face a common threat.

Our aspirations have been incorporated into the draft of the political constitution that the Constituent Assembly of El Salvador will debate and vote upon in the next days. Therein will be established the constitutional guarantees for the great objectives of the Government of National Unity first embodied in the "Apaneca Pact," and which will become a permanent reality.

Mr. President: El Salvador, my small country, is an example of a newborn democracy defending with its blood the democratic system of the western world against a totalitarian communist regime.

El Salvador reaffirms its unwavering commitment to the defense of peace, democracy and liberty with the understanding and solidarity of all free nations.

Thank you.

PRESIDENT MAGANA'S STATE OF THE NATION SPEECH

July 1, 1983

Mr. President of the Honorable Constituent Assembly, Mr. President of the Honorable Supreme Court of Justice, Vice Presidents of the Republic, your excellencies ambassadors and honorable charge d'affaires accredited in the country, Ministers and Under Secretaries of State, Deputies of the Honorable Constituent Assembly and Magistrates of the honorable Supreme Court of Justice, honorable representatives of international organizations, members of the armed forces, ladies and gentlemen:

In order to fulfill the obligation of appearing before the Legislative Assembly to report on the executive branch's activities and on the country's general situation, I have come before the august representatives of the Salvadoran people to present my report and to reiterate my faith in democracy and in the Government of National Unity.

During an exceptional period, a detailed report on the government's activities is best suited for the heads of the State Secretariats, and it is up to the President to present a general review of the country's situation. By reviewing the objectives of the Government of National Unity and the progress made in achieving them, we give a general overview of the year covered by this report, which constitutes a frank, objective and honest outline of the government's program. Despite the skepticism, and to the surprise of many, 14 months after being implemented, it has fulfilled its historic responsibility thanks to the patriotic will of its members. Concerning the executive branch's activities, I must also indicate that despite the difficult economic situation, which causes financial limitations, we have been able to maintain efficiency levels in the public services and state investment programs, under adverse circumstances.

At the outset of my Administration, I said that although in its short time few things could be done, great things could be initiated. Today I can say with satisfaction that we have begun great things; that what was begun has grown stronger and, in certain cases, has even been completed.

On 1 July 1982, my message set forth the desire that our government would be an expression of national unity. For this reason, we tried to reach a patriotic commitment marked by a unity of purpose to achieve common objectives. Those efforts culminated in the adoption of the basic platform of the Apaneca Pact on 3 August 1982, which is the program of the Government of National Unity and constitutes a commitment that has worked surprisingly well with regard to the essential aspects of its philosophy and contents.

My recent visit to Washington constituted an extraordinary opportunity to present to the U.S. people and to the world the Government platform of a democracy that is currently struggling to consolidate the objectives to which I will now refer:

Representatives: On 2 May 1982, I told you that would devote each day of my mandate to the Government's major goal: peace. And we have done it, because our efforts on behalf of human rights, economic recovery, the democratization process, the consolidation of the reform and, in short, all of the objectives sought by our government program lead us toward peace, which will result from the effort made by all Salvadorans.

The Peace Commission has reiterated its invitation to all political sectors to participate in the next election. With the draft political constitution, you make it possible to have a pluralist government that will enable us to live in peace.

Concerning this important objective, I said in Washington: The Government of National Unity's peace program is mainly based on the electoral process. Through me, it reaffirms that the solution to the problem of violence must be essentially democratic. Within this context, the elections, with the participation of all Salvadorans without distinctions, constitute the only efficient means of obtaining a definitive and permanent peace in order to establish a pluralist system that will strengthen democracy.

On that occasion I also indicated that since the very essence of democracy consists of the citizens' right to elect their leaders, conferring on them the representation of political power, to negotiate the distribution of that power would be to rob and betray the mandate of the electors who are the great majority of all Salvadorans, something which my government cannot do for peace. This cannot be ignored because the people's will is a national patrimony that must be defended to the very last consequences. It is not only a matter of negotiating power, but of consciously opening the doors to chaos through an action marked by unjustified weakness. That is why we clearly said in Washington that any negotiation to distribute power would run contrary to the mandate of the voters, who were the large majority of the Salvadoran people. This is the only thing, definitely the only thing, that my government cannot do for peace.

As regards the democratization process, our firmest purpose is to enforce fully the Apaneca Pact commitments and to obtain the effective participation of all social sectors in the government activities. Democracy is being fully experienced in El Salvador. You, Messrs Deputies, constitute the first legitimately elected state branch, from which other branches spring. The political forces that obtained the people's support on 28 March are represented in these branches.

On another occasion, we described our regime as a government that is reflective, open to progress, understanding, and an advocate of moderation in exercising power. I am very pleased to say that, amid the worst crisis of our history, we have put aside the policy of full power to the President (El Presidencialismo) and have rejected the cult of personality.

The characteristics of our government -- because they are new and we are not used to them -- result in confusion and perhaps even bewilderment for many who believed in democracy. This explains talks about a power vacuum, a power crisis, or a weak government.

Our nascent democracy, which is fully complying with the principle of the separation of branches and thus excludes the strongman idea, will always be better. It is all right that other latitudes associate this strongman idea with tropical regimes, but we must forget this idea forever. It is not only a matter of personal pride but our firm intention to eliminate the policy of full power to the President, and this has been the tone we have tried to give to our administration, which respects the spheres of action of the other branches. This can never be called a power vacuum or a weakness; it is simply a democracy.

In a democracy, a ruler must have an open disposition to leave it up to the people to decide, through the popular vote, the continuation of the democratic process in order to turn over power to the person chosen by them.

The continuation of our democratic process, through the next elections, is our historical commitment in order to reaffirm and consolidate the political system our people have chosen.

The President of the Republic will have the privilege of abiding by the decision of this honorable assembly and the satisfaction of making free and honest elections a reality in order to take the greatest personal pride in turning over power to whoever succeeds me, thus carrying out my people's orders.

The upcoming elections, late this year, are another test for our people. I am sure that we will repeat the historic experience of 28 March. However, this responsibility also falls on the leaders of the political parties, who have the valuable chance of maintaining the honesty, serenity, and maturity our people deserve.

Regarding human rights, in the Apaneca Pact we committed ourselves to respect them fully. This is a determination that stems from our fundamental moral convictions and the respect that we have for ourselves. As an affirmation of this purpose, on December 2 of last year the Human Rights Commission was installed. This commission has promoted the enactment of the amnesty law.

In the same way, we are determined to reform our judicial system. To that end, a commission of Salvadoran lawyers has concluded a report recommending guidelines for the reforms. In addition, the draft constitution establishes the independence of the judiciary and of the Office of the Attorney General, with authority and powers for a better public administration.

However, it must be recalled that one of our best achievements is that the judicial branch presently enjoys complete independence from Executive Branch pressures. The Salvadorans must know that their rights, currently under discussion, are in the hands of an independent judicial branch.

The economic problem is very important. It must be admitted that we cannot advance in our recovery without a climate of trust that permits a normal development of productive activities. Therefore, we have tried to provide security, and to incorporate managerial ability into the efforts of the public sector. This managerial ability is now an important facet of the Committee for Economic Recovery.

It is also necessary for our economic recovery that we maintain tolerable inflation levels and a relatively stable currency. We have achieved this to a great extent thanks to our financial discipline, which we know very well has imposed sacrifices on us in an effort to promote the reactivation of the economy.

For this reason I have proposed bills on salary policy and tax increases. I am aware that there are opponents to these decisions, but I must meet my responsibilities by taking the necessary measures to strengthen our economic and financial situation. I am facing the opposition to these measures because I want the best for my country. I am also facing this opposition because a calm and impartial judgment made afterward will show that there was a need for sacrifices to guarantee the best fruits of Salvadoran efforts in the future.

Despite the scarcity of foreign exchange and the destruction of our means of production and the public services infrastructure because of the violence, we have maintained the level of economic activity since late 1982.

There are encouraging signs showing that the downward trend of our economy has reversed itself.

The importance of consolidating social reforms was stressed in the Apaneca Pact in order to achieve a level of economic and political participation from the various social sectors and a peaceful coexistence with less social tensions.

The honorable Constituent Assembly ratified the reforms at the beginning of its term in a clear demonstration of its intentions to seek solutions for our country's grave social problems.

The reforms must not be evaluated only in terms of economic efficiency, but also in terms of social participation which, by decreasing the seriousness of the conflict, will avoid the tensions that are exploited to create a climate of violence.

In the international arena, our purpose has been to obtain greater respect for our rights in order to strengthen self-determination so as to exclude intervention in our domestic problems. Disinformation had placed both El Salvador and its government in the dock. Aware of this, we have been intent on a constant task of explaining our distorted national reality. The world's attention has been focused on El Salvador, but, for some time now, our voice has begun being heard in the international arena. Gone are the days when some country dared say that subversion might be a representative political force.

Since the beginning, we have sought closer relations with our Central American brothers. Those objectives have materialized in the Central American Democratic Community, which links the countries committed to democratic processes, which in the meetings of the Contadora Group have presented their proposals within a regional context. It is important on this occasion to express our recognition of the repeated signs of solidarity that we have received from our neighbors.

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Last Christmas I said that in the face of the crisis, destruction, and murder the Salvadoran people have turned their eyes to God, and that aware that efforts are being made to impose an atheistic philosophy on the battlefield that is the human soul, the Salvadorans have chosen God. Less than 3 months after making that statement, His Holiness John Paul II visited us. We received from him the most valuable encouragement to continue our work of peace and national reconciliation. His Holiness' visit presented to the world the real image of the Salvadoran people. The world was able to witness the demonstrations of joy of a devout people united in adversity. There was no discordant note, and all Salvadorans showed their best sentiments.

In December I met in San Jose, Costa Rica, with the U.S. President to whom we explained our situation and intentions. Six months later, I visited President Reagan in Washington in response to his invitation. On that occasion, there were many opportunities to explain our situation. We held working meetings with the President and his closest aides, members of the Senate and House of Representatives, as well as news conferences. In all those events, we responded to the concerns of the U.S. people regarding our problem, and we reiterated our government's position on the foreign aggression. On behalf of my country, and at all times thinking about it, I appeared before the U.S. Government and people and the OAS Council to deliver the message of my people, who have now acquired a continental dimension. I was received everywhere not only with courtesy and attention but also with respect. The Salvadoran people are the ones who received those expressions of respect that they well deserve, and that I now convey to the representatives of the people in this assembly. In many places I found words of encouragement for our cause. I can state that the world knows our situation. I can state that misinformation has been defeated. We went to the United States to achieve understanding. We sought to strengthen the cooperation that a partner defending democracy deserves.

On 3 June when I came before you to reiterate my request for authorization for my trip, I gave you assurances that I would represent the country with dignity; we have done so. We made the categorical statement that we would reject aid if in exchange it would be demanded that we adopt a specific position that would harm our republican principles.

I fulfill my duty by also informing this illustrious assembly that in America's highest political forum, the OAS, I denounced the aggression we are experiencing from the Soviet Bloc countries through Cuba and Nicaragua. I reaffirmed there that one cannot question a people's right to defend themselves from foreign aggression and from the destruction of the few assets they have been able to achieve with great sacrifice. That is why I also said that in the face of this situation our Armed Forces have the constitutional duty to defend sovereignty and to reject, in an act of legitimate defense, the armed subversion that has been imposed on us from abroad.

I feel I am duty bound to express to this illustrious assembly our recognition and gratitude to the members of the Armed Forces who are the strong barrier that has saved and protects our people's lives and property. Those Armed Forces, an arm of their people, make it possible for us to have our budding democracy. Our people, who are aware of the sacrifice of their soldiers, must express their recognition.

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We cannot forget that violence has brought destruction and suffering to our people. My government is aware of the conditions in the areas affected by violence and destruction, especially in the eastern region. It is unquestionable that there is a contrast between the sufferings in that region and the rest of the country. I issue a call to the Salvadoran people to express by all means their fraternal support and solidarity with the heroic residents of the affected areas.

Messrs Representatives: That violence very recently claimed the life of a worthy member of this honorable constituent assembly to whose members I reiterate our strongest condemnation of this unspeakable action.

Messrs Representatives: It is highly satisfying to express the recognition you deserve due to your dedication and efforts to conclude the fundamental bill that will establish constitutional guarantees so that the great objectives of the National Unity Government will be a permanent reality. Likewise, the executive branch must express thanks for this illustrious assembly's support for our bills, since difficult times have forced those in charge of the government administration to take initiatives in laws whose scope and benefits are not always clearly seen.

I am pleased to express to you my recognition for the high honor you gave me by giving me an unanimous vote of confidence on the occasion of my recent visit.

Messrs Representatives: In this difficult hour of our history we must listen to the call of the homeland in danger. All, absolutely all, Salvadorans who have faith in the democratic system must contribute our best efforts to guarantee the future of the republic. With the help of God, with deep confidence and unyielding faith in our destiny, I am sure that we have found the path and that we are advancing on our march to give our people the peace that we all desire. Thank you very much.

In the late 1970's, El Salvador began to experience increasingly intense civil disturbances and violent political protest. The proximate cause of these disturbances was El Salvador's long legacy of underdevelopment, social inequity, and misrule, aggravated by destabilizing activities and events authored in Cuba and Nicaragua.

On October 15, 1979 a group of reformist military officers overthrew the government of ex-General Romero. Although Romero had been elected president in 1977 through a form of elections, there was widespread agreement inside and outside El Salvador that, as in previous Salvadoran elections, his accession to power was achieved through manipulation of the electoral system.

Several attempts to form a broadly representative junta of government followed the coup. All were shortlived. In January 1980, the armed forces combined with the Christian Democratic Party to form a government which, with some reshuffling, held power until elections for a Constituent Assembly took place on March, 1982. This period saw the implementation of several major reform efforts, including a land reform, a banking reform, nationalization of foreign marketing of coffee and sugar, development of stronger peasant organizations in farming areas and most importantly, reactivation of political parties and the holding of free and honest elections.

During 1980 and 1981, Cuban and Soviet bloc assistance, channelled through Nicaragua where the far left guerrillas maintained their command and control headquarters, their international relations center, and some training facilities, permitted the guerrillas to escalate and intensify their war effort. During 1980, the guerrillas emphasized consolidation and coordination of their forces and tactics, which had been brought together under the auspices of Fidel Castro the previous year. At that time, their operations were limited to relatively small skirmishes and hit-and-run attacks, both inside the major population centers and in the rural districts, especially in the north and east.

The capstone of this consolidation effort was the so-called "final offensive" of January 1981, in which the guerrillas, hoping to seize power or at least substantially better their position, combined a major military operation with a call for a popular uprising. Their appeal for popular support was generally ignored and, as a result, the Salvadoran armed forces beat back their military initiative with relatively little effort. Following this setback, the guerrillas returned to their previous tactics of skirmishing and night-time bombing (the American Embassy was strafed or rocketed seven times in thirty-one days in March and April).

In May 1981, the guerrillas implemented their present strategy of "guerra prolongada" (prolonged war), which included a gradual build-up of strength and material supplied through Nicaragua, concentration of action in rural districts punctuated by high-profile sabotage operations, and increased targeting of economic targets such as factories, bridges, agricultural installations, the transportation system, the electrical system and water pumping stations. This strategy continues today, abetted by continued supply of war material through Nicaragua and complemented by a diplomatic effort which emphasizes power sharing negotiations with the Salvadoran government.

During 1980, violence against civilians, already on the increase, crested. This was a period in which Government was at its weakest because of the repeated failure to form juntas which spanned the political horizon or because the new armed forces -- Christian Democrat Government had just gotten underway. At the same time, the growing political and military strength of the guerrillas, expressed in terrorism, provoked a strong reaction. And the implementation of the sweeping reforms of March 1980 led some formerly moderate conservatives to respond with violence against both the government and the left.

From that point, however, El Salvador began a new consolidation of the political center. The government gained in confidence and ability. The Salvadoran military demonstrated its capacity to respond to the military challenge of the far left, and the reforms settled into institutional development. The hallmark of this consolidation was the March 1982 elections.

On March 28, 1982, some 1.5 million Salvadorans went to the polls to elect deputies to represent them in the country's legislative body, the Constituent Assembly. This massive popular turnout followed a four-month electoral campaign in which six parties ranging from the center-left to the far-right participated. The Central Elections Council and over 200 international observers agreed that the elections, also witnessed by over 700 members of the international press, were fair and honest, the first such elections in over fifty years. The political front of the guerrilla movement was invited to field candidates in the elections, but claimed that conducive conditions did not exist. Instead, the political parties and groups affiliated with the insurgents supported their attempt to violently disrupt the elections.

The newly-elected Constituent Assembly named an interim government and now is charged with writing a new national constitution and acting as a legislative body until another one can be elected under the new constitution. It is composed of sixty seats: twenty-four representatives from the Christian Democrat Party (PDC), nineteen from the National Republican Alliance (ARENA), ten from the Salvadoran Authentic Institutional Party (PAISA), four from the Party of National Conciliation (PCN), two from the Democratic Action Party (AD), and one from the Salvadoran Popular Party (PPS). The 1962 constitution remains in effect in the interim, subject to the requirements of Decree 507 (state of seige), Decree 544 (wage and price freeze), and the agrarian reform. Political parties representing interests that previously tended to express their opposition through violence are now competing in democratic form in the Assembly. Political debate is often divisive, but the parties have shown themselves capable of reaching important compromises.

Following the March elections, the Christian Democrat-Armed Forces Junta dissolved and peacefully transferred its authority to a provisional executive body, named by the Constituent Assembly. The government is composed of members of the major parties that participated in the March 28 elections, including political independents. The president, Alvaro Magana, is a political independent, selected as a consensus candidate after no single party received a majority of seats in the Constituent Assembly. There are also three vice-presidents, each representing one of the three major democratic parties, i.e., ARENA, the PDC and PCN.

4 • The then existing political parties, with the exception of the minor Democratic Action Party, signed the Pact of Apaneca of the "Government of National Unity" on August 2. The Pact establishes goals for the government under the headings: pacification, human rights, economic recuperation, reforms, confidence and security, and strengthening El Salvador's international position. The Pact also called for the formation of three commissions: Political, Peace, and Human Rights. Subsequently, a joint government -- Private Sector Commission for Economic Reactivations was established. All commissions are now operating.